

**SUFFOLK COUNTY LEGISLATURE  
GENERAL MEETING  
FIFTH DAY  
MARCH 23, 2004**

**MEETING HELD AT THE EVANS K. GRIFFING COUNTY CENTER  
IN THE MAXINE S. POSTAL LEGISLATIVE AUDITORIUM  
300 CENTER DRIVE, RIVERHEAD, NEW YORK**

**MINUTES TAKEN BY  
LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS**

**[THE MEETING WAS CALLED TO ORDER AT 4:00 P.M.]**

**P.O. CARACAPPA:**

Mr. Clerk, good evening. Roll call, please.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CARACCIOLO:**

Here.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. O'LEARY:**

Here.

**LEG. VILORIA-FISHER:**

(Not Present)

**LEG. LOSQUADRO:**

(Not Present)

**LEG. FOLEY:**

Present.

**LEG. LINDSAY:**

(Not Present)

**LEG. MONTANO:**

Present.

**LEG. ALDEN:**

Here.

**LEG. CRECCA:**

Here.

**LEG. NOWICK:**

Here.

**LEG. BISHOP:**

Here.

**MR. BARTON:**

Legislator Mystal, welcome.

**LEG. MYSTAL:**

Here.

**LEG. BINDER:**

(Not Present)

**LEG. TONNA:**

(Not Present)

**LEG. COOPER:**

Here.

**D.P.O. CARPENTER:**

Here.

**P.O. CARACAPPA:**

Here.

**MR. BARTON:**

Thirteen. (Not Present at Roll Call: Legs. Fisher, Losquadro, Lindsay, Binder, Tonna)

**LEG. LOSQUADRO:**

Henry.

**P.O. CARACAPPA:**

Thank you. Will everyone please rise for a salute to the flag,  
led by Legislator Mystal.

***(SALUTATION)***

**P.O. CARACAPPA:**

Everyone, please remain standing. I'd like to introduce Legislator Schneiderman for the  
purposes of tonight's clergy.

**LEG. SCHNEIDERMAN:**

Thank you. Presiding Officer, for our invocation today, I would like to invite up the Reverend  
Charles McElroy or McElroy, I'm sorry, Charles McElroy, from the Friendship Baptist Church of  
Riverhead.

Now, let me tell you quickly a little bit about Mr. -- Reverend McElroy. He attended Virginia  
Union University, earning a B.S. in Business Administration, and Virginia Union Seminary, where  
he received his Masters in Divinity Degree. The Reverend has also been Pastor of the Friendship

Baptist Church in Riverhead for over 23 years. He has served on numerous community civic groups, including the Chairman of the Advisory Committee for Migrant and Disadvantaged Affairs. He was a counselor for alcoholic -- or alcoholic counselor for the Rural New York Farmworkers, a board -- on the Board of Directors for Riverhead Rotary Club, on the Board of Directors for Long Island Head Start Child Development Services, Board of Directors for East End Arts Council, a moderator for the Eastern Baptist Association, and recording secretary for the Empire State Convocation. So, please, join us in greeting Reverend McElroy.

**REVEREND MCELROY:**

Let us pray. Almighty God, who is the source of all wisdom and giver of all good and perfect gifts, we come before you asking for your blessings. We ask for the blessings of guardians and light, for those that will participate in the meeting of this Legislative body, and for those that govern this great State of New York. We ask that you will direct minds of the leaders of this town, county, and state by your wisdom as they deliberate over matters critical to the public's welfare, and that the enactment of such laws that shall come forth will be those that are pleasing to you and to the glory of your name. Amen.

**LEG. SCHNEIDERMAN:**

Thank you.

**P.O. CARACAPPA:**

Thank you very much. At this point in time, I'd like to ask County Clerk Ed Romaine to come forward to swear in our newest member of this Legislative body, Legislator Elie Mystal.

***[LEGISLATOR ELIE MYSTAL WAS SWORN IN BY COUNTY CLERK ED ROMAINE]***

***(Applause)***

**P.O. CARACAPPA:**

Elie, we welcome you, not that you're a stranger to this body. Well, I'll wait until you shake hands before I say my words.

Okay. Legislator Mystal, I'd just like to say to you, welcome. You are no newcomer to this Legislative body, you've been around for quite sometime, but in your new capacity, we certainly welcome you and we look forward to working with you.

And it's very ironic, and I guess very fitting, that the day you're sworn in to participate in your first Legislative meeting is the first meeting of this Legislative body in what is now the Maxine Postal Legislative Auditorium. So, I think it's fitting that it happened tonight.

***(Applause)***

With that being said, I'd like to go to proclamations. And I recognize Legislator Schneiderman for the purposes of a few proclamations.

**LEG. SCHNEIDERMAN:**

Thank you, Presiding Officer. I will be brief, because I know we have a very busy agenda.

I would like to recognize three distinguished individuals. I'll just say a couple of words about each, and then I will meet them and their families out in the hall, where I'll present a proclamation.

The first individual I'd like to recognize is a young man named Liam Keating. He's a student at Pierson High School in Sag Harbor. This individual saved his father's life, William Keating, from a heart attack that he was experiencing. William Keating actually is a retired Suffolk County Corrections Officer and --

**AUDIENCE MEMBER:**

Deputy Sheriff.

**LEG. SCHNEIDERMAN:**

I'm sorry, Deputy Sheriff. Thank you. Retired Deputy Sheriff for Suffolk County. And so, I'm going to recognize Liam. It's an extraordinary event. If I could have Liam stand up, so you all can see where he is.

***(Applause)***

The second individual I will be honoring is the woman who actually taught Liam the skills, a woman who teaches the American Heart Association basic life saving course. She's a health teacher at Pierson High School, and her name is Susan Denis. And she's been doing this for

quite a number of years, and she deserves tremendous support from us.

***(Applause)***

Let me see if Mr. Keating is here, too. Is William Keating here? He is. Here he is. Okay. And I will in a moment ask Diane Barrett to come forward, who's with the American Red Cross. I know there's other people -- I'm sorry, American Heart Association. And I know there's other people also here, too. But if Diane would like to say a few words concerning the CPR training and the need for that type of education.

The last person I'd like to recognize is a young man from Southampton Intermediate School, who won the poster contest that the County offered in terms of West Nile Virus prevention. As you know, West Nile is a very dangerous and sometimes fatal disease. The County Health Department has a contest called "Dump the Water", which deals with educating the public in terms of removing stagnant pools of water where mosquitoes breed. And this young man, Owen Laub, won the contest. You can see his poster here, which will be on the cover of the brochure, their educational brochure that the Health Department puts out concerning West Nile Virus. And I believe it's also going to be on the website for the County as well. So let me see if I can -- if Owen Laub is here, if you could stand up.

***(Applause)***

I believe his teacher is here, too. And I welcome his family and his teacher to join me out in the hall for the formal proclamation. I want to read the other winners in the contest. Again, Owen Laub is the first place winner. The second place, there is a tie between Haley Rudolph, who is Legislator Vilorio-Fisher's -- in her district, and Taylor Moreno in Legislator Cooper's district. And the third place winner is Felicia Alfredson in Legislator Lindsay's district. So, maybe we can have a round of applause for all the winners.

***(Applause)***

At this point, I'd like to ask Diane Barrett to come up from American Heart Association and say a few words.

**MS. BARRETT:**

Hi. Good afternoon. My name is Diana Barrett. I'm with the American Heart Association. Often, as Legislators, you pass laws and you find the programs, and you don't always get to hear the outcome of what you've done. You saw a little bit with Liam and his dad about some of the success we've had.

A few years ago, this Legislature, both past and present members, funded our program called "CPR in the Schools". The premise behind it was CPR training of students across Suffolk County. The goal was to jump start the CPR training program. It's now four-plus years later. Did the program make a difference? Well, you've seen one indicator of it. But because I work at American Heart Association, I get to hear a lot of the success stories, some of which I think you need to know.

Right after starting their program, students at Northport-East Northport School District saved their bus driver. Over in Rocky Point, a ten year old student saved his 14 year old sister. And, again, just now, you heard about Liam, he saved his dad. These are only a few stories of the lives that have been saved by the children of Suffolk County. There are many, many more, all because teachers like Susan Denis decided to teach the program, mostly because this Legislature decided to actually fund the program. Your support is what made it happen.

Working with Suffolk County EMS, Long Island Rescue, and health and P.E. teachers across Suffolk, to date, 40 schools in Suffolk are currently teaching their students CPR. Over 10,000 students are trained every single year. The program is almost nonexistent in that other County, so you are to be commended for having the foresight and the courage to recognize the importance of CPR training in the classroom. These students go on to be our EMS volunteers, our police, they become good citizens. They're now empowered with the ability to save somebody's life. One day, an entire generation will be trained in CPR, and we're moving closer to that date, especially in this County. However, your colleagues at the State level are currently putting together a bill that will require CPR and AED training as part of every high school curriculum. The bill numbers are AO9595 and SO6034. My only request today is that you contact your colleagues at the State and tell them that you, too, support these bills, and urge them to finally pass this law.

Thank you again for your efforts in making Suffolk County a healthier place to live.

**P.O. CARACAPPA:**

Thank you, Ms. Barrett, I appreciate it.

***(Applause)***

I'd like to recognize Legislator Viloría-Fisher for the purposes of a proclamation.

**LEG. VILORIA-FISHER:**

Thank you. I have a team outside that I'd like to recognize, the Ward Melville High School Swim Team. I'll just announce them and they'll find their way in, Mr. Chair.

**MS. BURKHARDT:**

They might be way in the lobby. There's a lot of people there.

**P.O. CARACAPPA:**

Legislator Viloría-Fisher, why don't we just wait until people exit before you start your presentation, this way we can bring them down the aisle.

**LEG. VILORIA-FISHER:**

I think I see the Swim Team trying to come in. I think I see the short hair.

Congratulations, Coach. Coach, could just come stand by me, please.

I've just asked the Ward Melville High School Swim Team to come down and be recognized. They are our County Champions in Boys Swim Team, and they're also League Champions. And anyone who has been the parent of a member of a swim team knows that it's not just an athletic activity, it's a way of life. It's so much time that they spend in the early morning and late evening, and they swim every single day. I don't think that they take vacation, do they?

**COACH:**

No, there is no vacation.

**LEG. VILORIA-FISHER:**

There is no vacation. So, on behalf of the County Legislature -- we'll take a picture outside with the proclamation, because it's tight in here. I do want to thank you for the good work that you do, and congratulate you on your achievements. Congratulations.



***(Applause)***

As the Ward Melville High School Fencing Team comes in, I'll tell you a little bit about them. It's a sport that's been growing at Ward Melville High School. And the fencing team that will be -- who will be joining me here in one moment, this is a group that has certainly developed, has grown in the past few years, and they are the County Champs, and also League Champs, and Long Island Champs as well, too, I believe; is that correct? County and Long Island?

**TEAM MEMBER:**

And League.

**LEG. VILORIA-FISHER:**

And League. Well, congratulations to all of you.

***(Applause)***

Come on, let everybody see you. Just go straight across here, so everybody could fit. I see a couple of my former students, so this is very exciting. Congratulations to all of you. Thank you very much for coming down. This is men and women -- did I say men's fencing? It's fencing, it's co-ed.

**P.O. CARACAPPA:**

That's a big fencing team.

**LEG. VILORIA-FISHER:**

Congratulations.

**P.O. CARACAPPA:**

Congratulations.

***(Applause)***

Okay. Is there any other proclamations, presentations from Legislators? We're going to go directly to public portion now. As we do that, I would like to remind the speakers that you have three minutes to address the Legislature. There is no question and answer period associated

with the public portion. First speaker, Cheryl Felice.

***(Applause)***

**MS. FELICE:**

I don't know any of these people. Good afternoon, members of the Legislature, Presiding Officer Caracappa. My name is Cheryl Felice. I'm the President of the Association of Municipal Employees. We represent over 7,000 active workers in Suffolk County. Many of them are your Legislator Secretaries. They work in the County Executive Office, the County Clerk's Office. You're well aware of our membership.

And we're here tonight to address, first of all, among other things, the fact that this Legislative body is very responsive to this membership and we appreciate that. And even though we may not always agree on the issues, this Legislative body has always made sure that they reached out to this membership to understand what our needs are, and I would say that that is an example of what happened here today.

First of all, we're here to talk about the Early Retirement Incentive and the moratorium that is before you in tabled Resolution 1229. We stand here opposed to that resolution. We think it's restrictive, and it is shortsighted for the County Legislators to restrict themselves from considering any early retirement incentive for nearly six years.

We understand your need and your desire to stabilize the County's fiscal conditions. However, I caution you and the Legislative body to be mindful of the ramifications of a six-year prohibition.

What would the financial impact be if a number of employees who opt to wait until 2010 retire? How will the County recover from the significant loss of institutional knowledge then? It seems more fiscally prudent to keep your options open and consider all early retirement incentives annually, as you now have the power to do.

Restricting this Legislative body from even considering an early retirement incentive stands in the way of permitting retirements gradually, while rehiring new employees at a lower entry level.

Presiding Officer Caracappa, I'd like to thank you for your early support of this membership against this resolution, and I'd like also like to thank Minority Leader Foley for reaching out to

this membership as well, as you always do, and also Majority Leader Crecca for reaching out to this membership when you learned of our opposition to this, to this resolution, so --

**P.O. CARACAPPA:**

Cheryl, if you'd just stay there, I'd like to recognize Legislator Crecca for the point of personal privilege.

**LEG. CRECCA:**

Yeah. Based on my conversations with you, Cheryl, and also talking to my fellow Legislators, I've directed the Clerk, or I am directing the Clerk to withdraw the bill, as the prime sponsor.

***(Applause)***

**MS. FELICE:**

And I think that's fine. Thank you very much.

***(Applause)***

I believe --

**P.O. CARACAPPA:**

You're a powerful woman, Cheryl.

**MS. FELICE:**

I believe our work here is done.

**P.O. CARACAPPA:**

Wow, I'm impressed.

**MS. FELICE:**

I would like to say, however, in the agenda --

**LEG. CRECCA:**

When Cheryl talks, we listen.

**MS. FELICE:**

-- I see there is a new resolution that was laid on the table by the County Executive also with a reform policy on early retirement incentives, Number 1274. We would stand opposed to that one as well. And we stand in favor of Deputy Presiding Officer Carpenter's resolution to create Crossing Guard Awareness Day in May. Thank you very much.

**P.O. CARACAPPA:**

Okay. Thank you very much.

***(Applause)***

Next speaker is Sherry Wolfe.

**LEG. BISHOP:**

Can't we release the retirees?

**P.O. CARACAPPA:**

Yeah. As Ms. Wolfe is coming forward, just all those who came to speak on the retirement bill, it is a moot point at this point in time, because it has been withdrawn.

**MS. WOLFE:**

Good afternoon, Ladies and Gentlemen.

**P.O. CARACAPPA:**

Which means feel free to go home, if you want. I didn't want to be pushy, but. . .

Okay. I'd just ask for a little order. Jay, could you just get that door closed for us? Thank you, Miss Wolfe, for being patient.

**MS. WOLFE:**

Thank you. Good afternoon, Ladies and Gentlemen. My name is Sherry Wolfe, and I'm here to represent the East Hampton Business Alliance, and to speak to the proposed Sense Resolution Number 15. This resolution requests that New York State enact amendments to the hotel/motel tax.

The East Hampton Business Alliance is a not-for-profit, which advocates for local businesses -- business owners doing business in the Town of East Hampton. We have over 100 business owner members, and with their respective employees, we estimate that we represent twenty-five hundred to three thousand individuals doing business in the Town of East Hampton.

If New York State amends the hotel/motel tax and the taxes are subsequently substantially raised, all businesses, all businesses that interact with tourism will be negatively impacted. This means not only hotels and motels, but restaurants, retail shops, and bed and breakfasts, and on and on, everything that contributes to the tourism industry on the East End. This tax will make it that much more difficult to sustain the local tourist industry. We urge you to vote against this proposal and end it right here. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Next speaker, Jim Zaborski.

**MR. ZABORSKI:**

Thank you for the opportunity to address the Legislature today. My name is Jim Zaborski. I am the President of Dune Management Company. My company manages eight resorts on the East End of Long Island in Suffolk County. I'm here today to go on record in opposition to the proposed increase in the hotel/motel tax. The tax will put our industry at a competitive disadvantage with neighboring tourist regions.

I think this is an inopportune time to propose such a tax. We are just rebounding from the aftermath of 9/11, which dramatically impacted our industry. An increase in this tax, coupled with the increases in insurance and other expenses and cost of business and operating in Suffolk County will further exacerbate our situation relative to other regions.

In addition to the impact it will have directly on our business, I'd like to mention the fact that the resorts that I manage are co-ops and condominiums. These are owned by some 600 individuals, all of whom or many of whom are residents of Suffolk County. Likewise, among the 12,000-plus guests that visit our facilities each year, many of those are Suffolk County residents as well. These people will feel that they're being double taxed by the County for the privilege of vacationing in the County. The impact that this tax will have, if it does drive people away, will

simply mean that it's less revenue for the County, fewer employment opportunities for residents of Suffolk County.

I'm also a Director of the Long Island Convention and Visitors Bureau, and I've spoken to Michael Hollander earlier today. Mr. Hollander -- I asked Mr. Hollander what our organization's position is relative to this tax, and he advised me that the LICVB has always opposed onerous taxes that in no way benefit the tourist industry. Given these concerns regarding this tax, I hope that the Legislature will find its way to end this tax today as well.

I thank you again for your time, and look forward to your response.

**P.O. CARACAPPA:**

Thank you, sir.

***(Applause)***

Next speaker, Bob Tuerlings. Mr. Tuerlings, he was here on the --

**AUDIENCE MEMBER:**

He left with Cheryl.

**P.O. CARACAPPA:**

He came to speak on the early retirement incentive. Sandra Palmer Randall. She came to speak on the early retirement. Lillian Barbash. On deck is Nancy Donohue.

**MS. BARBASH:**

Good afternoon, and thank you for giving me the opportunity to state the opposing view on the hotel/motel tax. My name is Lillian Barbash. I've been a resident of Brightwaters, Long Island, for the last 50 years. I'm Executive Director of the Islip Arts Council. We present dozens of free concerts throughout the County. Our major event is the annual free New York Philharmonic Concert at Heckscher State Park, to which you're all invited July 17th this year.

In any event, our position, and I believe the other arts people in the arts community are hoping that the Legislature will vote in favor of increasing the hotel/motel tax from one-and-three-quarters percent to 3%. Our neighboring county charges 3%, so but certainly not going to

worry about losing hotel visitors to Nassau County.

Secondly, most of the good beaches and parks and historic sites are out here in Suffolk County. If you go to the Hampton Inn, their nightly fee is \$120, give or take. The increase would add a buck-and-a-half to that nightly fee, hardly an onerous increase.

The additional revenue that the community would get from the hotel/motel tax would go towards increasing the number of cultural activities in the County, the number of historic sites in the County, or would improve them, and it would certainly improve the parks, and that's what draws the tourists to Suffolk County. They come for our cultural activities, they come for our theater activities, they come for music, they come for the parks, for the historic sites. So I do urge you to, please, increase or ask the State Legislature to increase the hotel/motel tax from one-and-three-quarters to 3%. It is not an onerous increase. Thank you.

**P.O. CARACAPPA:**

Thank you very much. Nancy Donohue, followed by Patricia Snyder.

**MS. DONOHUE:**

Good afternoon, Ladies and Gentlemen. Thank you for the opportunity to address you. I'm here in support of the hotel/motel tax.

I am involved in two cultural organizations, the West Islip Symphony Orchestra, and Sagtikos Manor Historical Society, both of which can benefit from increased funds. You purchased, and we thank you so much for purchasing, Sagtikos Manor last year. Actually, it's a year-and-a-half ago. And we look forward to having you visit us there. It's an important historic site. It's in need of a great deal of repair, as many people tell me.

To provide cultural things here in Suffolk County is very, very important, particularly in this day and age, when people are a little bit skeptical about going into the City. You know, there are so many -- the West Islip Symphony Orchestra has world renowned soloists come to Suffolk County to perform. People who do not go into the city can avail themselves of that privilege.

It is important to have the funding. The Long Island Philharmonic has had to cancel two of its last performances because of lack of funding. The funding hasn't come through, so they have had to decrease their program for the year. It is important to provide the residents of Suffolk

County with cultural things, cultural events that they can go to.

I do hope that you will support the hotel/motel tax. Thank you for your help.

***(Applause)***

**P.O. CARACAPPA:**

Thank you. Patricia Snyder, followed by Dot Capuano.

**MS. SNYDER:**

Hi. I'm Pat Snyder. I'm the Executive Director of the East End Arts Council, located on Main Street in Riverhead. We represent the artists and the arts organizations on the East End of Long Island. And I am also in favor of the hotel/motel tax.

I know the residents of Riverhead look forward to the day when the arts are strong in downtown Riverhead and the tourists come to downtown Riverhead, and we really feel that this increase in the funding will support that effort. We know and we've seen across Long Island, across the state that the arts are an economic generator, and we would encourage you to support this tax. Thank you so much.

***(Applause)***

**P.O. CARACAPPA:**

Thank you. Dot Capuano.

**MS. CAPUANO:**

Hi. My name is Dot Capuano. I'm the General Manager of the Baron's Cove Inn in Sag Harbor, New York. I thank you for the opportunity to speak with you today.

I am opposed to the increase of the hotel/motel tax for many reasons. One of the major reasons is to keep our tax low, to remain competitive against other resort areas, and to attract regional conventions. We have many senior tourists, families visiting our area, and the high tax will steer these tourists away from Suffolk County. In addition, almost all other areas in New York State, other than New York City, have substantially lower real estate taxes and other operating costs than we have on Long Island.



Tourism is the second largest employer on Long Island, and generates substantial sales tax revenue. Lodging properties pay high property taxes and produce a trickle-down level of income and taxes for those corporations and individuals who service the industry. Over the last two years, the lodging industry has lost substantial business, resulting in layoffs of personnel and decreased revenue. Putting this tax into effect would decrease everything more, and will steer most of our tourists to the Jersey Shore and other places. I really urge you to think about not imposing this tax for us. Thank you.

**P.O. CARACAPPA:**

Thank you very much.

***(Applause)***

Dominick Scalise. Dom Scalise. Geralyn Santiago. I apologize if I get this wrong. Bob Sighinolfi? Sighinolfi.

**MR. SIGHINOLFI:**

Sighinolfi.

**P.O. CARACAPPA:**

Sighinolfi, did my best; followed by Joe Stasys, who I believe left.

**AUDIENCE MEMBER:**

Yeah, he left.

**MR. SIGHINOLFI:**

Hi. I want to thank you for letting me speak in front of you. I've called most of you and tried to talk with most of you before this. Two of you did call me back. Mr. Mystal and Mr. Alden, I appreciate the calls back.

**LEG. LINDSAY:**

Could you speak into the mike?

**MR. SIGHINOLFI:**

My name is Bob Sighinolfi. I'm the General Manager of the Hilton Long Island, and I'm past President of the Long Island Hotel Lodging Association.

The tax isn't going from 1.75, it's .75 going to 3. It's 2.25. It means on my hotel, it's anywhere between a 3.50 and a \$5 increase. So, people saying it's a two dollar increase, it isn't.

Just to give you some statistics, Year 2000, my hotel -- in the Year 2003, I lost 13% in occupancy, and I lost 10.2% in rate, because of the economic times that we're in, 22% in total revenue. When you look at these numbers, they don't sound like a lot, but they are a lot, and I pay a million dollars in property taxes already. When is enough?

When you're going after tourism, well, that's one thing. You're saying it's from people out of Suffolk County? That's not true. Major corporations who stay at my hotel who bill between 30 and \$50,000 a month are Suffolk County. You have the big ones. You have First Data, you have Olympus, you have Arrow Electronics staying at the hotel. They pay the taxes on that property. They bill some -- they have people come stay there, they have training classes. It isn't just Suffolk County people paying, or non-Suffolk County people paying the taxes.

As past president of the Hotel Society -- Hotel Association, Mike Johnson, the President, can't be here. He asked me to tell you that it was unanimously voted by the Hotel Association the tax isn't good for tourism. I'd like to speak to the person who says by increasing the tax will improve tourism. I don't understand that statement. I don't understand charging people more come to come to our Long Island makes it an easier place to come do business with.

I'd like you to think about this. Talk to us before you make this decision. Talk to the people involved. And I understand that there's Parks Commissions and General Fund are going to get most of it. None of it is going to increase tourism, so I don't understand why you'd want to call it a tourism tax. Thank you very much.

***(Applause)***

**P.O. CARACAPPA:**

Thank you, sir. Joe Stasys left, right? Joey? Joey left, okay.

Sandra Lee Mott, followed by Dr. Dillon.

**MS. MOTT:**

My name is Sandra Lee Mott. I saw you when Mr. Levy had his speech out in Southampton. I'm back because nothing was accomplished.

This is what happened to me when I had a grand mal seizure and a brain tumor diagnosed. Okay? Seventy-one thousand three hundred dollars. I was uninsured and unemployed. I still am unemployed. Nothing has happened. People came forward and said to me, "We will have meetings to correct this situation."

This could happen to you, one grand mal seizure, a brain tumor, your life ends.

**P.O. CARACAPPA:**

Miss Mott, please speak into the microphone, so the Clerk can get your record.

**MS. MOTT:**

Your life ends. My life ended on 7/1/02. My parents' life ended on 7/1/02.

February 9th, I came to Southampton to speak in front of you all. You were gracious enough to hear me. The problem is nothing happened. I went to Mr. Levy's Office, I met with a Mr. Maccarone, Mr. Tom Vaughn, a previous associate of Mr. Gaffney, and Miss Keys, who works with

Mr. Caracciolo. I was promised a letter to the U.S. Attorney General -- U.S. Attorney. Nothing happened, I have no letter. I was promised a referral to an attorney to help me. Nothing happened, I have no referral. The gist of it is the Attorney General's Office for the State of New York is the bill collector for Stony Brook. You might not know that, but that's what they do, coupled with the fact of harassment and collusion with Stony Brook that they block access of Social Services for me, so that they did give me the paperwork with a social worker. They left a 14-page Medicaid form next to my bed when I was diagnosed on July 1st, grand mal seizure, brain tumor. "You could die, you have to have surgery, you have no choice." I had no choice but to come back here. And you know what, I'm going to come back, and I'm going to come back, and I'm going to come back.

I have no letter. I want this resolved. I did nothing except get sick I was not a drug addict, an alcoholic, an illegal alien, an -- I didn't have illegitimate children, coupled with the other categories that I don't fit into. I am an American citizen. As a matter of fact, I brought my

passport. If anyone would like it, I will surrender it and become a non-American. I have it in my pocketbook. As a matter of fact, I'll get it for you in a second.

The gist of it is no one will represent me. Nassau-Suffolk Law Services actually refused to represent me, and they got all the dates wrong; okay? I have a fair hearing on 3/30/04. At that February 13th, with Mr. Levy's staff, those three individuals, I was told there was going to be a meeting with the Social Service Commissioner and we would rehash this, because nobody knows the details better than me. This is my life and it isn't changing, it's getting worse. I was just told I shouldn't be on Dilantin, because I could get all kinds of Hodgkin's disease, all kinds of lymphomas, etcetera, etcetera.

I want the Suffolk County D.A. to investigate what's going on at Stony Brook University, because there's a similar situation at Yale New Haven in Connecticut, where they've blocked people's access to 37 million dollars to help people in my situation. Now, the County --

**P.O. CARACAPPA:**

Miss Mott.

**MS. MOTT:**

The Attorney General there is doing a class action lawsuit on behalf of these people. What are they doing to me? Threatening and colluding with Stony Brook. I'm tired of this, I'm exhausted. I want resolution. Whether you want to hear me again or not, that's not the point. I don't want to be here. I'm tired. I'm getting sicker as the days goes by and I'm eligible for nothing. I'm too well educated and articulate. I can go work at McDonald's I was told. Guess what? I can't.

**P.O. CARACAPPA:**

Miss Mott, could you please sum up your comments?

**MS. MOTT:**

The summary is I want the appointment with the Department of Social Services' Commissioner, as I was promised. I want the letter for the U.S. Attorney to investigate this matter. I want the Suffolk County D.A. to investigate this matter. If you can do it for other issues in this community -- I'm a Suffolk County resident, I'm a New York resident by birth, I'm a U.S. citizen. I'm not an illegal alien, and they are soliciting for them to participate in Family Health

Plus Health First, as in their documentation that's solicited in advertising. I want nothing more to be cared for as equally as someone from Guatemala, El Salvador, or God knows where. They are deserving of care, but so am I. I pay the taxes. I want the help, and I don't want to be lied to anymore, point-blank, because I can't do it.

**(Applause)**

**P.O. CARACAPPA:**

Thank you, Miss Mott. Dr. Dillon.

**DR. DILLON:**

Hi. I'm Dr. Dillon. I'm Medical Director of Epidemiology and Disease Control with Suffolk County Department of Public Health. I'm in support of Resolution 1202, which is -- our goal is basically to increase the -- shorten the turnaround time for arbovirus testing.

To summarize what has happened is our goal is to get the results from our mosquito testing as rapidly as possible. At one time, we did enjoy fairly rapid turnaround time in 1999, when really only Queens and Suffolk County were the only areas in the County that had a West Nile Disease problem. But, as you know, over the last few years, every County in New York State has been affected by this disease. Therefore, that put Suffolk County in competition with all of the other counties for the resources of our State laboratory. This has slowed down our testing process, and when we get a positive test result back delayed, that really ties our hands as to what we can do to protect the public.

As you recall, last year, we received a phone call in late Fall from the State notifying us that a specimen sent by our Disease -- our Vector Division one month earlier had now tested positive for the very deadly virus, Eastern Equine Encephalitis. That's a virus that's particularly lethal to children. And since it was so late in the year, it was 30 days later we discovered the results of this, we could not employ our usual proactive measures, and that left us with the only alternative, was to close the Montauk Point parks during the dawn and dusk hours, and that severely affected our tourism industry. Thank you.

**P.O. CARACAPPA:**

Merle McDonald-Aaron.

**MS. MERLE:**

Good afternoon, Ladies and Gentlemen. My name is Merle McDonald-Aaron and I'm the Secretary of the Montauk Chamber of Commerce. I would like to thank you all for giving me this opportunity to talk this afternoon. And I would say, based on the luck the first proposal had before you, I hope my proposed -- my speech will have the same luck.

The Montauk Chamber of Commerce, representing the majority of hotel/motel rooms on Eastern Long Island, vehemently opposes the pending legislation that would increase the room tax to 3%. The hotel/motel industry has suffered losses of revenue over the last few years, particularly last year, making news of this pending increment devastatingly unfathomable.

Local economies have not been able to recover since 9/11. Most recently, the frigid winter and the rise in gasoline prices are having their cruel effects. There has been talk that this increase would not affect the residents of Suffolk County. We at the Chamber beg to differ.

The guests that travel to Montauk with their families for summer vacation in our smaller establishments come from the Nassau/Suffolk Counties. The proposed tax increase would add an approximate \$15 to an average stay, not \$2, this to a population that has already seen the average stays reduced from four to five -- from four to five nights to one to two nights over the last few years. The motel community would not be able to survive this.

To think that our Legislature would attempt to resolve the financial issues of the County's General Fund and budgets of the Parks Department, Cultural Affairs, and Historic Services by having hotels and motels pay for their deficits under the thin veneer of returning a portion of this tax to the LICVB is offensive to us.

For the Years 2002 and 2003, Suffolk County collection from the three-quarter percent room tax was two million nine hundred and twenty-three dollars one -- nine thousand -- sorry. \$2,923,171.79. Of that total, the hotel/motels that are members of the Montauk Chamber of Commerce paid \$565,079.73, representing about one-fifth of that percent -- that amount. Albeit, it is a seasonal environment.

Based on its present structure, two-thirds of the current tax is supposed to be used for the promotion of tourism. We at the Montauk Chamber of Commerce are still waiting for our share. Now we are being asked to make a greater sacrifice. We consider this tax to be based on gross

negligence of clear thought, since the effect of this tax will surely drive -- will surely be to drive motel/hotel patrons out of state.

Tourism is the number one industry of Eastern Long Island. The imposition of further tax is beckoning the economic death penalty to all commuters on eastern Long Island. Further, we at the Montauk Chamber are of the strong opinion that whatever decision is made concerning this proposed increase, that Montauk be recognized as a tourism agency, so that we can effectively promote our area.

**P.O. CARACAPPA:**

Miss Aaron, would you just, please, sum up? The time has expired.

**MS. MC DONALD-AARON:**

Sure. Because of our unique situation, the current promotions does not reach our target market.

In closing, we would like to reiterate our strong opposition to this proposed increase. Thank you, Ladies and Gentlemen.

**P.O. CARACAPPA:**

Thank you very much.

***(Applause)***

Virginia Stevens, followed by Marina Van. Ms. Stevens?

**MS. STEVENS:**

Good afternoon, Ladies and Gentlemen. My name is Virginia Stevens, and I'm here to represent Ken Wallace of the Oceanside Beach Resort.

"Dear Members of the Suffolk County Legislature" --

**LEG. LINDSAY:**

Miss Stevens, could you speak into the mike.

**MS. STEVENS:**

Excuse me?

**P.O. CARACAPPA:**

Just pull the microphone. There you go. Thank you.

**MS. STEVENS:**

Better? Can you hear me, guys. Right in there. It is once again disappointing to see a resolution requesting amendments to the hotel/motel tax.

The lodging industry in Suffolk County is -- all right. The lodging industry in Suffolk County is currently battling the decrease in revenues from the last few years, and an added tax now or ever is not what we need, especially since there is no benefit directly related to our industry with regards to marketing or use of any additional funds that we are expected to contribute to.

Occupancy tax is always a deterrent when soliciting tourism. Comparatively, tourists will search for the best value for their dollar, and a room tax can certainly deter their decisions when traveling either with families or corporate individuals.

We are in a recovery mode where staffing and expenses have been reduced to make ends meet. If this tax is indeed to fill budgetary gaps due to the mismanagement of the County funds, then it is wrong. Exercise pay and benefit cuts, along with the reductions in unnecessary expenses, as many of us have done in the lodging industry. Focus on the real defects in your system and not on the back of the working class, or to paint a prettier picture, because a tax can heal the wounds. That is where your job can be most effective. Creative management, dealing with less, and not relying on a tax that will only induce wasteful spending at the burden of taxpayers should be your objective.

And, please, don't compare us to Nassau County. Nassau County at one time had the highest income per capita. They still -- Suffolk County is much more effective by the sensitive nature of our tourist industry. We cannot afford the domino effect that will follow, loss of business, jobs and families. So, please, show your support against the hotel/motel tax and vote no on this resolution. I thank you very much.

***(Applause)***



**P.O. CARACAPPA:**

Thank you very much. Marina Van. Marina Van. Okay she's here, followed by Alice Houseknecht.

**MS. VAN:**

Good afternoon. I'm Marina Van, and I'm the Executive Director of the East Hampton Chamber of Commerce. I thank you for this opportunity to speak to the Legislative Board today.

We represent 350 members from Bridgehampton to Montauk. We counted our hotel rooms today that are members of our chamber. It's about seventeen hundred and twenty-five. We're opposed to this tax, absolutely opposed to the tax, as the Montauk Chamber secretary said. We don't see any of this money out on the eastern end of Long Island.

I'm sure that you know that our period for the season is only 90 to 120 days. It's been said that the tax increase will help tourism. Well, I can hear everybody saying now, "Yippee, they're raising the tax. Let's go out there and, you know, help out the County a little bit, they need some money." Higher rates, that's the thing to do.

We're compared to Nassau County. Nassau County, my goodness. They have so many business, they have so many corporations. When you go to Nassau, you have to go to Nassau. When you come to Suffolk, you come to play. That's a choice. No boss tells you, "Go to Suffolk County, we're having a conference there," except for a few hotels that are lucky enough to have conference facilities. But we are not Nassau County.

The Budget Committee has stated that we have one of the lowest hotel tax rates in the country. We also have some of the highest electric bills, insurance rates, real estate taxes, probably one of the highest costs for doing business in the country. In conclusion, the East Hampton Chamber of Commerce is opposed to this tax increase. We would like to see some of the current tax dollars designated to support tourism on the eastern end of Long Island, so we know what we're getting. Grants from the current three-quarter percent tax should be given to the local chambers of commerce. Chambers know where to spend the money. They know what will bring business to their area. And I thank you for listening today.

***(Applause)***

**P.O. CARACAPPA:**

Thank you. Alice Houseknecht, followed by Joan Cass.

**MS. HOUSEKNECHT:**

Hi. Good afternoon. My name is Alice Houseknecht. I'm the owner of a very small motel in Montauk, it's called the East Deck. It was built by my father-in-law in 1951, and it's a seasonal business. It's open from April until November 1st. We attract middle income families, such as civil service workers who come to Montauk for the pristine beaches.

I believe that the tax increase will have a negative effect on these families.

About ten years ago, I remember when Suffolk County imposed the 5% motel tax. Our business suffered then. That 5% tax never benefitted the small motels and inns, and I don't feel the proposed 3% tax will either.

I recently read that it's more cost effective for young families to vacation in Florida rather than on the East End of Long Island. A proposed increase will most certainly have a negative effect on tourism. And I thank you for listening.

***(Applause)***

**P.O. CARACAPPA:**

Joan Cass, followed by Jim Daunt.

**MS. CASS:**

Thank you for hearing me today. My name is Joan Cass. I'm the owner of a small resort, 30-unit resort called the Montauk Soundview, and I was asked by Paul Monte, who is the General Manager and CEO of Gurney's Inn in Montauk, which is a year-round employer of over 200 residents. And he is also the President of the Montauk Chamber of Commerce, which represents over 200 businesses on the East End. He asked me to read this letter in his absence.

"I am writing to express my outrage over the proposal to increase the hotel occupancy tax in Suffolk County from three-quarter of a percent to 3%. If this tax increase is passed, his business, the businesses of my chamber members and the entire East End economy will suffer tremendously."

"I experienced firsthand the effect that excess taxing of hotels had on the tourism industry when New York State passed its 5% occupancy tax in 1990. Study after study proved that excess taxing of hotels causes decreased occupancy and lower pre-tax room rates."

"Beyond the hotel industry, the surrounding economy is also adversely affected throughout the decreased spending in the community due to the lower number of travelers. It was proven in a study by the independent budget office of New York City that for every \$100 spent by a traveler, \$36 was spent on their hotel, and \$64 was spent in the surrounding community. Therefore, every dollar lost due to this tax impacts the hotel industry by .36 and the surrounding businesses by .64."

"There is also the other indirect effect of this loss of hotel revenues called the multiplier effect. The same study previously mentioned showed that each traveler dollar lost also meant a .48 multiplier effect in lost business to business spending in the surrounding community."

"In 1994, New York State realized the mistake they had made and they repealed the hotel occupancy tax. In that same year, New York City saw the same light and reduced their tax by 1%."

"All of these facts and figures should make it perfectly clear that a vote for this tax increase is actually a vote for a weaker Suffolk County economy. I know that you do not want that. Vote to keep Suffolk County fiscally strong. Vote no to the increased occupancy tax. Respectfully yours, Paul Monte." Thank you.

**P.O. CARACAPPA:**

Thank you very much.

***(Applause)***

Jim Daunt. Mr. Daunt, are you present?

**MR. DAUNT:**

Yes.

**P.O. CARACAPPA:**

Okay. Followed by Pam Schiel.

**MR. DAUNT:**

Thank you, Suffolk County Legislators, for allowing us to speak. My name is Jim Daunt from Daunt's Albatross Motel. As a small business owner --

**LEG. VILORIA-FISHER:**

Excuse me, I'm having a hard time hearing you. Can you use the mike, please.

**MR. DAUNT:**

Okay.

**LEG. LOSQUADRO:**

Pull the microphone up.

**LEG. FOLEY:**

You've got to speak closely into the mike.

**MR. DAUNT:**

My name is Jim Daunt from Daunt's Albatross Motel. As a small business owner for the last 25 years, catering to families in the Tri-State area, a two-and-a-quarter percent increase would affect myself and every business in Suffolk County.

Tourist expenditure pretty much -- you know, there's one-third of the people coming out will with spend -- one-third of their money will go to the motel industry, two-thirds goes to the shops and to restaurants, shops. And pretty much, it's going to affect the entire Suffolk County, not just the motel industry.

The 5% New York State tax that we paid years ago, very little of that came back to Long Island, where a large portion was generated from the East End of Long Island. Please, do not tax us to close budget gaps to fund cultural arts programs and other programs. Okay? They're all good programs, but the funding should come from someplace else, not from the motel industry on the eastern end of Long Island.

And I would like to actually ask -- I had a long letter, but it would have been more than three minutes, so I just kind of winged some notes here while I was listening. What I would like to see is Suffolk County Legislators spending their time, instead of an effort taxing the motel industry, is to spend that time going to the federal government to ensure grants for erosion control and addressing some of the issues that are to here on the East End of Long Island. So I'm definitely opposed to the two-and-a-quarter percent increase, with strong feelings that we've had a rough enough time economy-wise on East End of Long Island the last couple of years. Why make it rougher on the industry? Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Pam Schiel. Bob Ott? Robert Ott?

**MR. OTT:**

Yes. Good afternoon. My name is Robert Ott. I'm from Middle Island. Yes. I'm 49 years old, and I'm a member of the Eastern Long Island Motorcycle Club and the Long Island Off Road Vehicle Association. And if this resolution is -- 1838 is approved, I would also be the AMA's delegate on this committee representing New York State's 14,000 motorcyclists. I'd like to really strongly ask for your support for this resolution.

In Suffolk County, ATV use was a permitted activity up to the 1990's for many -- really, for many years. There was a Suffolk County parks permit system, a New York State Department of Conservation permit system. And with the current situation, basically, we have a historically permitted activity, which is outwardly prohibited. And it's really a nightmare of an enforcement issue and a nightmare of an environmental issue.

And one of the goals of this committee, if it's formed, would be to find a piece of land, a piece of land that's privately owned right now that could be purchased by the County, and, in a way, it would be preserved from either future residential or industrial development and be designated strictly for ATV use.

So just thank you very much for listening to my points, and we hope to have a successful resolution on this. Thank you.

**P.O. CARACAPPA:**

Thank you very much.

***(Applause)***

John McKenna. Mr. McKenna present? Okay. Followed by John W. VanWagner.

**MR. MC KENNA:**

Okay. Ladies and Gentlemen, thank you for letting me speak. My name is John McKenna. I am a resident of Lake Grove, and I've lived on Long Island all my life. I'm an ATV rider since I was a teen-ager and I bought my first ATV by cutting lawns and having a paper route. My father was a New York City patrolman and he insisted upon responsible riding. Never was my machine -- my off-road machine ridden in the road, and I walked to local woods areas. The Island as we know it has grown completely out of -- we've grown dramatically in population, and ATV riders have grown with that.

I'm respectfully -- respectfully asking the County Legislature to vote in favor for this Task Force for ATV parks in Suffolk County. For more than two decades, ATV riders have been forced to either trailer their ATV's off the Island, or ride illegally. Despite this, ATV's are growing, and the problems that it creates grows with it.

Suffolk County has 46,000 acres of parkland. By establishing legal riding areas, the County could choose nonsensitive areas, selecting areas near landfills or industrial parks that wouldn't affect residential areas. Open riding for weekends, when local businesses are closed. Greatly reduce future damage done by illegal riders to environmentally sensitive areas by having an outlet for these riders. We could generate income by charging user fees to riders and fees to vendors selling food and ATV support items. We can control the noise by mandating that the ATV riders use their factory original quiet mufflers and a pass a sound test before riding.

In other parts of New York State, as well as other states, these programs work, and ATV riding is a respectable form of recreation for the whole family. Today's ATV's are not the leaky, smokey, polluting machines of the past, they are produced by companies like Honda that produce clean, efficient equipment, and these are the same equipment that are used by our County rangers to patrol our parks.

I, again, thank you for your time, and have a good day, gentlemen and ladies. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Victor Yannacone. Oh, I'm sorry, Mr. Yannacone, it's Mr. VanWagner first. My apologies. Sorry, Mr. VanWagner. I pulled your card off to the side.

**MR. VAN WAGNER:**

Yes. My name is John W. VanWagner, and I'm here to reinforce your feelings about the appropriation of funds in connection with noise moderation and attenuation at the Trap and Skeet Range in Southaven County Park.

Since I came in here this afternoon, I've heard all about taxes, taxes, taxes, taxes. And, of course, it's a very important issue. On the other hand, there is a whole body of the population who are waiting for the opening of the Southaven Park trap and skeet. It's a tradition in Nassau - in Suffolk County. It's long overdue for reopening, and it is a source of revenue for the County in which a great deal of discussion is being given relative to increasing taxes in certain areas.

Steve Levy indicated that 2005 would be a very difficult year for the County, but this is a bright star on the horizon. Once the noise abatement situation has been taken care of, there is no reason why this should not be reopened. Sportsmen are waiting for the first -- for the gate to open. And so, therefore, my organization, SAFE, which is the Sportsmen's Association for Firearms Education, is very anxious to have the park opened, the trap and skeet opened, and we hope you'll do it as soon as possible. Thank you very much.

**P.O. CARACAPPA:**

Thank you very much.

**LEG. FOLEY:**

Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Mr. Yannacone.

**MR. YANNAZONE:**

Good afternoon. Although I'm here primarily to talk about the ethics resolutions that are upcoming, I do want to make a comment on the tax with respect to occupancy.

A caveat. I've been a professional musician for 51 years. The cabaret tax in the City of New York caused so much damage to the entertainment and the hospitality industry, the City has never really recovered from it, neither has professional live music, and that's something to think about.

What I'm here for is to comment favorably and ask you to rapidly move on the changes in the Ethics Code for the County. There are two bills before you, one, 1195, which deals with the actual extent of the disclosure, and these are the results of some work that a bipartisan group of senior people, who have been around a long time in government, and a lot of people concerned about ethics in Suffolk County worked diligently over the transition period to present to you. The change is dramatic. It will make financial disclosure a way of life for elected officials here in Suffolk County. There's nothing wrong with that. We all live in a fish bowl. We all know that our political opponents, such as they are, can always get our financial information. We might as well tell everyone about it. The other legislation, 1196, is a little bit more complicated, but, again, it goes to appearances.

Ethics is all about honor and integrity. All the people in Suffolk County who run for public office, regardless of their political party, are people of honor and integrity. The appearance of honor and integrity is just as important, and by eliminating any possible concern over an ethics opinion, an ethics opinion will have more value, both to the elected officials and to the public at large. It will shield many people from the kind of vicious personal attacks which appear every two or four years, as the case maybe, and have become commonplace in our political scene. It will also make those of us in the general public feel comfortable about the process.

And I heartily urge all of you to take into consideration how important it is to those of us who live here to feel that our elected officials and those who they have selected to be watchdogs are people who will continue the tradition of honor and integrity that we've come to accept from our elected officials. And as I used to say to your predecessors, God blees all of you and God help all of us.



**P.O. CARACAPPA:**

Thank you, Mr. Yannacone.

***(Applause)***

Carol Hulley. Carol Hulley?

**MS. HULLEY:**

Members of the Legislature, good afternoon. I'm here to speak about Resolution 1225, which my Director, Paula Grant, Division Administrator of Child Support Enforcement Bureau of the Suffolk County Department of Social Services, addressed the Legislature Committee of Budget and Finance on March 9th to speak about this resolution. And we thought that since the full Legislature was going to be considering this full resolution tonight that we should also speak to the full Legislature.

And what I would like to say is when we look at our priorities and we look at the provision of legal services by Touro Law Clinic to our clients, which is approximately over the last six years about 38 clients per year, what we believe is that, and we know, is that those particular legal services can be provided by the County Attorney's Office, and that there is nobody who is served by the Child Support Enforcement Bureau who would suffer if this contract were not actually funded. So, we wanted to make sure that we had made that point for you. Okay?

**P.O. CARACAPPA:**

Thank you.

**MS. HULLEY:**

Thank you.

**P.O. CARACAPPA:**

Appreciate that. I have no other cards. Anyone else wishing to be heard? Motion to close public portion by myself, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions? We are now going to go to the part of the agenda where public officials will present certain resolutions in their position before the Suffolk County Legislature.

**MS. BURKHARDT:**

Todd Johnson is here.

**P.O. CARACAPPA:**

Todd Johnson. Mr. Johnson.

**LEG. CRECCA:**

Where is he?

**P.O. CARACAPPA:**

He's coming.

**MR. JOHNSON:**

Sorry to hold you up this evening.

**P.O. CARACAPPA:**

Good evening, Mr. Johnson.

**MR. JOHNSON:**

Good evening.

**P.O. CARACAPPA:**

Go right ahead.

**MR. JOHNSON:**

Okay. We have a couple of items that we'd like to speak to you about today.

**MS. BURKHARDT:**

Too much noise outside.

**P.O. CARACAPPA:**

Right now, there is. Just close those dollars, Linda, please. Thank you. Please, proceed, Todd.

**MR. JOHNSON:**

I'm sorry. We have a couple of things that we'd like to discuss. We have some departments

here, that they would like to speak on a couple of resolutions. We also have some CN's, which we are going to be presenting, and I think, as is your usual procedure, you'd like to do those at the end of the evening, that's perfectly fine.

The County Attorney and also the Budget Office wanted to speak about some of the resolutions that were on the agenda, so I'd like them to go first, as a matter of fact.

**MR. KNAPPE:**

Good evening. Kenneth Knappe, County Executive's Budget Office. There's a couple of resolutions I just want to speak on. It was brought up at the Budget Committee meeting last week, and I just wanted to reemphasize. I.R.'s 1133 and 1134, which has to do with mandated and discretionary budget transfers from a contingency account for Correction Officers from the mandated one and the discretionary has to do with a class of Deputy Sheriffs.

In the omnibus bills that were passed by the Legislature last year, it was noted that the Sheriff should also incorporate some type of savings plan dealing with over -- dealing with overtime with the addition of these classes. And the resolution does not mention that, but we just wanted to bring it to the Legislature's attention that we haven't received any type of report in that nature, and we will be work working with the Sheriff's Office to receive that report, as well as Budget Review, and if they receive it, if they could share it with us.

And 1136 has to do with the creation of three new positions in the Deputy Sheriff's Office. It mentions in the resolution that this was included in the omnibus. We had some discussions at the committee meeting that it was not necessarily added in the omnibus, but it was noted in the omnibus code that three positions would be created for supervisory duties related to the new classes.

The question came up that if three supervisory positions were needed, that the current individuals who would be receiving the promotions, it was the Budget Office's opinion that they could be reclassified and their positions earmarked for those duties; that three new positions do not necessarily need to be created.

There was discussions from people in the Budget Committee that perhaps we could abolish those positions in the future budget year. I just wanted to mention that on the record. That was a discussion that occurred in the Budget Committee meeting.

Does anybody have any questions about those three resolutions? I will be here later on in the evening, if you have questions when we get up to the bills.

**P.O. CARACAPPA:**

Thank you, Ken. Oh, there's a question. Legislator Bishop.

**LEG. BISHOP:**

Wait until later in the evening. Let's keep it moving.

**P.O. CARACAPPA:**

Okay. Miss Bizzarro?

**MS. BIZZARRO:**

How are you?

**P.O. CARACAPPA:**

Good evening.

**MS. BIZZARRO:**

Thank you. I just wanted to make reference, the County Executive's Office asked that a request for Resolution 1085 of '04 be tabled for review by the County Exec's Office.

**LEG. LINDSAY:**

The acoustics in here is horrible, so you really have to talk into the mike. We can't hear you.

**MS. BIZZARRO:**

Speak right into it, yes. Sorry about that. The County Executive's Office asked that I just mention relating to Resolution 1085, that this resolution --

**LEG. VILORIA-FISHER:**

Can you say the title?

**MS. BIZZARRO:**

That this resolution be tabled for the County Executive's review.

**D.P.O. CARPENTER:**

What?

**LEG. VILORIA-FISHER:**

Page 10.

**LEG. FOLEY:**

Page 10.

**MS. BIZZARRO:**

Ten, yes.

**LEG. CARPENTER:**

For what reason?

**MS. BIZZARRO:**

For his review.

**P.O. CARACAPPA:**

Well, Ms. Bizzarro, just so you know, it's my bill, I'm the sponsor. And I appreciate -- I appreciate the County Executive wanting it to be tabled, but to make a request for it to be tabled is inappropriate. If I want it to be tabled, I'll table it, or ask for that, or, if my colleagues vote to table it, that's the case, but the County Executive can't come and say, "Table this." He could make -- say he wants it to be tabled, but he can't --

**MS. BIZZARRO:**

That's what I'm --

**P.O. CARACAPPA:**

It's not his bill.

**MS. BIZZARRO:**

Right. That's what -- I'm just making a request.

**P.O. CARACAPPA:**

Okay. Thank you.

**MS. BIZZARRO:**

With respect to Resolution 1136 that is on Page 11, I just would like to bring to your attention that this -- that this bill needs 14 votes from the Legislature to pass under Section C410J of the Charter. It's a transfer from discretionary to mandated. I recommend that the resolution be tabled.

**LEG. FOLEY:**

Pending -- I have a question. Through the Chair?

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you. Sorry. With 1186, the vote -- the resolution needs 14 votes. So, you're asking it to be tabled subject to a technical correction; is that correct, Counselor?

**LEG. CRECCA:**

What page is 1186 on?

**LEG. FOLEY:**

1186 is on the bottom of Page 11.

**LEG. CRECCA:**

Thank you.

**LEG. FOLEY:**

This was a -- just let the record reflect, this is a resolution I sponsored, along with Legislator Schneiderman, and it's pursuant to a request from the youth Bureau to have the funding transferred to the Southampton Town Youth Bureau, who are still working in cooperation and in tandem with the County Department of Youth -- County Youth Bureau to sponsor the East End Youth Summit. So, is the tabling motion for a technical correction, Counselor; is that what it is?

**MS. BIZZARRO:**

Actually, what I'm looking at, and I think I made an error, I believe it's 1135 --

**LEG. FOLEY:**

Okay.

**MS. BIZZARRO:**

-- that I'm referring to.

**LEG. FOLEY:**

1135?

**MS. BIZZARRO:**

Yes.

**LEG. FOLEY:**

Okay. That's a 14 -- okay.

**MS. BIZZARRO:**

That's a 14 vote.

**LEG. FOLEY:**

All right.

**MS. BIZZARRO:**

Right. I apologize.

**LEG. CRECCA:**

With all due respect, we can figure out how many votes we need for each bill, though, can't we?  
I mean, isn't that normally our Counsel that does that?

**LEG. ALDEN:**

You think?

**P.O. CARACAPPA:**

Yes. This is something new, we're getting told.

**LEG. BINDER:**

Mr. Chairman.

**MS. BIZZARRO:**

Just bringing it to your attention.

**P.O. CARACAPPA:**

We appreciate that.

**D.P.O. CARPENTER:**

Well, I think we can handle it.

**P.O. CARACAPPA:**

Legislator Binder has a question.

**LEG. BINDER:**

I actually did want to ask Counsel if she's familiar with the County Law and how many votes it takes on different resolutions to pass them. I just want to make sure. I would --

**LEG. CRECCA:**

This is bad. Let's not start. We're going to go down this road.

**LEG. BINDER:**

Okay. So I would -- it's never happened, I'm here 14 years, that counsel for either Pat Halpin or for Bob Gaffney has ever told us how many votes it takes to pass something. I would hope that -  
- I think we can rely on our own Counsel. And this is not the first time.

Mr. Sabatino has come over here and told us a number of times. I think we can rely on our Counsel.

**MS. BIZZARRO:**

Okay.

**P.O. CARACAPPA:**



Miss Bizzarro, anything else?

**MS. BIZZARRO:**

Yes. Resolution 1182, which is --

**P.O. CARACAPPA:**

1182?

**MS. BIZZARRO:**

-- also on Page 11. 1182. That's in connection with transferring contingent funding for various contract agencies. I took a look at the amended resolution and I've been working -- myself and Linda Bay from Presiding Officer Caracappa have been working very hard and been making progress on the member item contracts. However, there may be certain ones that still appear on the resolution that may not be authorized under this program. I need to receive more detailed information regarding the certain questionable agencies and uses, and then a final determination can be made. In the meantime, some of the agencies and/or uses listed on the resolution may be susceptible to nonpayment. I just wanted to make you aware of that.

**P.O. CARACAPPA:**

Legislator Lindsay.

**LEG. LINDSAY:**

Yes. I realize that there has been a number of changes in different administrative positions within the County government, but a lot of the money that we're talking about here goes to small organizations within our communities that they depend on to exist, and it's a longstanding practice here. Somehow, it withstood the scrutiny the County Executive and Legal in the past. I don't understand all of a sudden these tremendous obstacles, and I think we're all having problems in this area.

**LEG. VILORIA-FISHER:**

Mr. Chair.

**LEG. LINDSAY:**

So, maybe it would be useful to go back in time and see how some of these programs have been

funded in the past.

**MS. BIZZARRO:**

Yes. And I have spoken with staff at the County Attorney's -- the County Attorney's Office, and they've indicated to me that they've been watching the program and it seems that it has been growing over time and they've had some concerns.

**LEG. LINDSAY:**

Well, it really is a budget issue that we will be happy to take up in -- under omnibus in the fall. And it was something that we had a great deal of discussion last fall about it. We did cut back the program. I know there was a number of Legislators that were willing to eliminate a lot of these small funded programs, but, at the end of the day, a lot of them got back in the budget. And, you know, I don't think anybody would object if going forward -- you know, if we agree to eliminate a lot of the programs that's fine. But the point of the matter is that in the last budget, these items were passed by this Legislature, they were signed off by the County Executive, and a lot of people are depending on that money.

**MS. BIZZARRO:**

I mean, I understand where you're coming from on it. And I'm -- really, I mean, there are a lot of program out there that are very legitimate under this program. And even sometimes the uses that, you know, that the agencies, you know, want to use these funds for, you know, there may be other uses that they could use it for in the same organization, you know. So, you can still give them the money, just you want to make sure that the uses are correct. And we specifically set forth in the resolution it's for not-for-profit agencies, and that dictates, you know, concerns right there.

**P.O. CARACAPPA:**

Legislator -- Billy, were you finished, Legislator Lindsay?

**LEG. LINDSAY:**

Yeah, I guess.

**P.O. CARACAPPA:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Yes. There is a great deal of frustration regarding these monies and their disbursement, because we have had past practice with regard to many of the agencies whom we're supporting.

When I came into the Legislature in 1999, one of the issues that had to be confronted was the fact that we have increased by many tens of thousands of acreage the parks that -- the County parklands. And I introduced a resolution calling for a park stewardship program, where we engaged youngsters at the various public schools to work to adopt parks and be stewards of those parks. That was passed in this Legislature in 1999. Now, in order to implement that program, it's important for us to provide support for the subgroups within schools who go out and act as stewards of our County parks. I know that Legislator Crecca has also taken advantage of that particular model with, I believe, Sachem School District. And so, if we are told that we cannot provide funds for any group that's working within a school, because we can't provide these funds for schools, it really is a blanket denial without looking at the unique nature of different groups within those school systems.

And so we really need to revisit, look at what our past practice is, look at what our Legislative intent has been and what Legislative policy has been with regard some of these contingency funds. And so, I hope that you will take a look at the one blanket denial, which was, well, if they're part of a school district, we can't provide this. This is policy that was set in 1999 by this Legislature, and we really are benefitting greatly in the County by having these park stewards, who are students, who are engaged in their communities.

**P.O. CARACAPPA:**

Thank you, Legislator Viloría-Fisher. And that's just one example of the many good programs throughout the County that are being embarked upon due to this funding.

And just to clear up one comment that was made earlier, it says that this program is growing. Actually, it has decreased over the years to half of what it was originally, at least in my time.

**MS. BIZZARRO:**

Yeah --

**P.O. CARACAPPA:**

Legislator Nowick.

**MS. BIZZARRO:**

Oh, sorry. When I said "growing", I didn't mean in terms of monetary value, I meant in terms of, you know, what uses of money, I really meant.

***[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]***

**LEG. NOWICK:**

Just a question. The money that we're talking about, we're now being told what these different organizations can do with the money, certain things they can do with it, certain things they cannot do with it, but it seems to me unreasonable to have a blanket rule. When you have different organizations such as a VFW or possibly a fire department that has other needs, their needs might be to heat or to put a new floor in or to fix a roof. So what we're doing is giving them the money but telling them how they have to use it and not considering that maybe sometimes micromanaging may not be a good idea. We're trying to help them and I think all these rules and regulations are not good for these organizations.

**MS. BIZZARRO:**

I just -- you know, working as an attorney, I mean, we have parameters that are set up by the State and we have State Constitutional guidelines that we have to comply with. In addition, as I said, the resolution dictates it's for not-for-profit agencies, so you're limiting yourself right there.

**LEG. NOWICK:**

Exactly, but what happened in the other years when this money could have been used for different things, was that -- were we not being constitutional?

**MS. BIZZARRO:**

I really can't say what was being done prior, I've just been looking at what is being proposed now and I'm just commenting on it and I'd like the Legislature --

**LEG. NOWICK:**

Okay. Well, just for my clarification, I understand not-for-profits, and maybe that's a State Law, but does it say in that State Law, or you said not constitutional, does it say that these not-for-

profits cannot use the money for repairing a floor or a roof but have to use the money for supplies; how did that come about?

**MS. BIZZARRO:**

The resolution itself sets forth, as I said, the parameters and the guidelines. It's for County services -- you know, it's a supplementation of County services, so that's something that you have to look at; breast health education and outreach, veterans programs, hospices, senior citizens and youth programs, domestic violence programs, food pantry services and other comparable health and safety programs and for economic development and revitalization.

**LEG. NOWICK:**

Okay, but that's a different -- that's a newer resolution --

**MS. BIZZARRO:**

The one before you.

**LEG. NOWICK:**

-- that was not in effect years ago.

**MS. BIZZARRO:**

Okay.

**LEG. NOWICK:**

Right?

**MS. BIZZARRO:**

Oh, I don't know, I don't know what you had prior to now; I'm sorry.

**LEG. NOWICK:**

Because there are changes over the years since I've become a Legislator.

**MS. BIZZARRO:**

Okay.

**LEG. NOWICK:**

And I just feel that our different organizations, our not-for-profits, our fire departments, our

VFW's, these are people that can use the money for good, honest causes and we're being stifled, and they're being stifled more importantly.

**MS. BIZZARRO:**

Right. Well, I mean, you have to balance it. The public benefit has to outweigh the private benefit and, you know, that's what the monies need to be used for.

**LEG. NOWICK:**

Well, they are our public.

**MS. BIZZARRO:**

Uh-huh.

**P.O. CARACAPPA:**

All right. Legislator Mystal.

**LEG. MYSTAL:**

Thank you, Mr. Presiding Officer. This is my maiden speech in the Legislature, I'm going to make it short and sweet. You can mess with a lot of stuff in this Legislature, please don't even attempt to mess with that money or they will hang your head back on your shoulders before you can think. That's it.

***Applause***

**LEG. BISHOP:**

That was beautiful.

**P.O. CARACAPPA:**

Welcome, Elie.

**LEG. BINDER:**

You're maiden speech.

**LEG. MYSTAL:**

Oh, thank you.

**P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

No, no, I --

**P.O. CARACAPPA:**

Elie said it for you?

**LEG. BISHOP:**

I associate myself with the rest.

**P.O. CARACAPPA:**

Well, by law -- and we want to stay within the parameters of the law here -- we have to go to public hearings now, 5:30. So we're going to have -- I'm going to ask everyone who is here to speak as part of the official comments to stick around until we're done with the public hearings and we'll go right back to you, but we have to go to public hearings right now.

**MR. JOHNSON:**

Thank you very much. We'll be here.

**P.O. CARACAPPA:**

This won't take long.

Mr. Clerk, the Affidavits of Publication are in proper order and they've been filed, ready to go?

**MR. BARTON:**

Yep.

**P.O. CARACAPPA:**

Thank you. The first ***Public Hearing Regarding Introductory Resolution No. 1007 - Approving ferry license for Water Island Taxi, LLC (Presiding Officer Caracappa)***. I have no cards. Anyone wishing to be heard on this matter?

**LEG. ALDEN:**

Motion to close.

**P.O. CARACAPPA:**

There's a motion to close by Legislator Alden, second by --

**LEG. CARPENTER:**

Second.

**P.O. CARACAPPA:**

-- Legislator Carpenter.

**LEG. BISHOP:**

Which application is this?

**P.O. CARACAPPA:**

That's Fire Island Water Taxi.

**LEG. BISHOP:**

Can I ask if all the documents necessary to close it have been filed with the Clerk; in other words, all the landing authorizations and certifications?

**P.O. CARACAPPA:**

Kevin; Mr. Duffy?

**MR. BARTON:**

(Shook head no.)

**P.O. CARACAPPA:**

Jim?

**LEG. BISHOP:**

They have not. So I would make a motion to recess given that the application is not complete.

**LEG. CARPENTER:**



On that motion.

**P.O. CARACAPPA:**

Okay, there's a motion to recess which takes precedence. Is there a second? There's a second?

**LEG. VILORIA-FISHER:**

I will second it.

**P.O. CARACAPPA:**

On the motion, Legislator Carpenter.

**LEG. CARPENTER:**

On the motion to recess, I understand that two of the landing sites, they were not able to secure permissions from the Town of Islip. So there is going to be an altered resolution so we're going to close the hearing and I understand there's going to be a CN later for that resolution with the -- you know, deleting two of those landing sites, one was Atlantique, I don't remember what the other one is.

**LEG. BISHOP:**

When the other applicant came forward, the whole issue was from -- the delegation in Islip was that they didn't have all their approvals and we couldn't rush and approve any -- now this one doesn't have the approvals so we're going to close the hearing and come in on CN seems to be extraordinarily, extraordinarily --

**LEG. VILORIA-FISHER:**

Inconsistent.

**LEG. BISHOP:**

Inconsistent, but not only that, bending over backwards; accommodating is the word I'm looking for, extraordinarily accommodating to one applicant. I think we should just have one set of rules and play by those rules for all the applicants and the purpose of those rules should be to encourage competition on the bay as long as the boats are safe and the public is served, and I don't understand why we deviate from that.

**LEG. ALDEN:**

I have a question.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

First, we shouldn't miscategorize what we're doing here. This is a public hearing, the public actually has had three or four opportunities to come down and put on the record. What we do with this legislation later on, Dave, as you well know, will be debated by Legislators. So your comments as far as keeping a public hearing recessed or open until all documentation or whatever is in, I think it's a little inaccurate and it's really misleading.

Secondly, you're messing up -- you're actually trying to combine two issues. The issue with the application that hasn't been approved by us has nothing to do with whether their documentation is in or isn't. That comes into my district and from my district, I'm not so sure I want to see a company from New Jersey coming over and taking over the whole contract without making an application to us to take over that operation of a ferry service, and that's actually what it comes down and we can debate that later on if it's on here. So don't miscategorize these, please.

**LEG. BISHOP:**

I'm not miscategorizing it. What I was pointing out was that the very same issue came up in the context of a recess or a closing with another company and you had a completely different attitude, and strategy I guess, involved with that and I don't think that's fair. I think we need to have one criteria and we should apply it equally and I'm greatly disturbed that we cannot accomplish that. I think it would serve all the applicants' interests if we did that and it would certainly serve the public's interest.

**LEG. ALDEN:**

You're still miscategorizing my comments.

**LEG. FOLEY:**

Mr. Chairman?

**P.O. CARACAPPA:**

There's a list; Legislator Carpenter then Foley.

**LEG. CARPENTER:**

I think we're comparing the proverbial apples and oranges here. The documents were filed, there were say ten sites listed, it turns out that two of the sites the permissions that were anticipated coming forward, not because of any negligence on the part of the operator but because the necessary approvals were not passed at the town -- on the town level, what is happening is that we're suggesting that we move forward with the application, since it is almost coming into April, with the sites that all of the documentation is in fact in place for.

And another point of information, Atlantique, which is one of the sites in question, has been serviced by the previous owner of the water taxi with absolutely no permissions in place. So in order to abide by the rules that we had set forth, this operator is looking to do everything by the book, put forward those very specific sites, and now we find that because the town did not act in a timely fashion today that they do not have the approvals for those two sites. So we're suggesting that the hearing be closed and that the CN come forward with a corrected copy that just deletes those two sites and moves forward with all of the sites that the appropriate documentation is in place.

**LEG. BISHOP:**

Let me ask --

**P.O. CARACAPPA:**

Legislator Bishop, there's a list.

**LEG. BISHOP:**

If I can go on the list.

**P.O. CARACAPPA:**

I'll put you on the list.

**LEG. VILORIA-FISHER:**

Can you put me on the list?

**P.O. CARACAPPA:**

Legislator Foley then Bishop then Vilorio-Fisher.

**LEG. FOLEY:**

Thank you. Legislator Carpenter's points were well taken, there is not a problem with documentation, it simply is an adjustment that needs to be made to the resolution in order to reflect the nonaction taken by the Town of Islip and it's a deletion of one, if not two different sites and then everything else remains the same. But the fact is -- and it always seems -- with Legislator Bishop it always seems to go back to this point of everything going back to a different applicant. And I would just say that the major difference between this and the other applicant for the other beaches is that the other applicant had a number of fatal flaws in the application and the public record clearly shows where those fatal flaws were. Here, not only is there no fatal flaws, just simply a fact of deleting one of a number of beach access points on Fire Island simply because, through no fault of the applicant but because the municipality involved did not have it on their agenda or took it off their agenda today, however -- and I know that most of us know that there are a number of beaches over on Fire Island, the resolution can still go forward for all the other porticoes over there.

So the fact of the matter is it's not only what I say, mixing apples with oranges, but I would say it's two wholly different applications; one has nothing to do with the other. You know, we can go on for hours about that but one had a fatal flaw in it, flaws rather, this one was a simple adjustment to reflect nonaction taken by the Town of Islip.

**P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

Yeah, what the record, the public record, which is ample, will show is that the line of attack on the other applicant was twofold. One, they didn't have a landing license, they couldn't go -- they didn't have these documents in place, same thing here; and two, that they're using leased boats.

**LEG. FOLEY:**

That's what's being taken out.

**LEG. BISHOP:**

And if I'm not mistaken, and this is one of the reasons why I would want the hearing recessed,

this applicant is proposing to use leased boats as well.

**LEG. FOLEY:**

Bring him up; he's here, ask him.

**LEG. BISHOP:**

Oh. Well, that's why we should not close the hearing, so we can --

**LEG. CARPENTER:**

Bring him up.

**P.O. CARACAPPA:**

Well, he hasn't signed a card. Why isn't the principal signing a card for his own public hearing, that's what I want to know; doesn't want to be heard?

**LEG. FOLEY:**

No, he's spoken many times.

**LEG. BISHOP:**

Well, he has spoken at many. I mean, he's --

**LEG. LINDSAY:**

Mr. Chairman?

**LEG. ALDEN:**

Yeah, he spoke at the last one.

**LEG. CARPENTER:**

Could we please have --

**P.O. CARACAPPA:**

Hold on. Legislator Bishop has the floor.

**LEG. BISHOP:**

Well, anyway, technically if you want to hear from him you need to recess.

**LEG. FOLEY:**

No.

**LEG. BISHOP:**

Right?

**P.O. CARACAPPA:**

No, it's still open.

**LEG. BISHOP:**

All right. Then I want to hear -- I mean, I'm not -- I don't want to gum up the works for the sake of gumming up the works, what I want is fairness on both ends.

**LEG. FOLEY:**

Ask the applicant to come up.

**LEG. LINDSAY:**

Mr. Chairman, I'm really confused. I thought this was the public hearing, all we're hearing from is the Legislature.

**P.O. CARACAPPA:**

We're actually debating the motion to close or recess. Legislator Viloría-Fisher

**LEG. VILORIA-FISHER:**

Did Legislator Bishop want to ask the applicant a question; does he still have the floor?

**P.O. CARACAPPA:**

Legislator Bishop didn't ask.

**LEG. BISHOP:**

I do if it's fine with him.

**P.O. CARACAPPA:**

Do you yield?

**LEG. VILORIA-FISHER:**

Well, I thought he still had the floor, I thought he wasn't finished.

**P.O. CARACAPPA:**

Legislator Bishop, do you have questions for the applicant?

**LEG. BISHOP:**

All right, you're here, you're willing, everybody's willing so let's continue the hearing then.

**P.O. CARACAPPA:**

Go right ahead.

**LEG. BISHOP:**

Well, let's start with what I would think is a critical issue. Is Fire Island Ferries -- I mean, Fire Island -- well, does Fire Island Ferries own Fire Island Water taxi?

**MR. HAFELE:**

Yes, sir.

**LEG. BISHOP:**

Okay, so the ferry company owns the water taxi. And the water taxi is going to use vessels that are leased from the ferry company?

**MR. HAFELE:**

That's correct. Is this on?

**MS. MAHONEY:**

Can you please state your name?

**MR. HAFELE:**

I'm sorry. My name is George Hafele, I'm the President of Fire Island Ferries. Okay, back to the question; what was it?

**LEG. BISHOP:**

You're leasing boats, right?

**MR. HAFELE:**

We're leasing boats, yes. We have purchased the assets at South Bay Water Taxi which has operated with a Suffolk County license since 1994. The equipment that we purchased from him, although it lives up to Coast Guard standards, there is a good possibility that a lot of the equipment will be put to the side and not used. What I'm proposing is I -- by putting forth my petition, my resolution in front of the Legislature, I am assuring the public that they will have ample equipment to be served to do what I say we're going to do which is operate a first class water taxi company. In order for that to happen, I would like the flexibility to be able to lease boats from Fire Island Ferries so that I can better serve the people of Fire Island.

**LEG. BISHOP:**

Now, I know Fire Island Ferries from going over on the ferry. As I understood it, Fire Island Ferries owns ferry boats, right, you own big boats.

**MR. HAFELE:**

Yes, sir.

**LEG. BISHOP:**

Do you own little boats as Fire Island Ferries?

**MR. HAFELE:**

It's --

**LEG. BISHOP:**

Forgive the juvenile line of questioning, but I need to --

**MR. HAFELE:**

The three vessels that we would be leasing from Fire Island Ferries are 149 passenger vessels, they are the smallest that Fire Island Ferries has.

**LEG. BISHOP:**

Those are big boats in my world.

**MR. HAFELE:**

Yes.



**LEG. BISHOP:**

Not the little water taxis that scoot about the bay, right? I know this is your district, I --

**LEG. ALDEN:**

Everything is big in your world, Dave.

**LEG. BISHOP:**

That's true, except my salary. So the big boats are going from the ferry company to the water taxi company which are owned by the same entity; why?

**MR. HAFELE:**

Well, we are keeping Fire Island Water Taxi as an LLC because we were advised by Counsel to do so. We still --

**LEG. BISHOP:**

Your Counsel, right, not my Counsel.

**MR. HAFELE:**

Yes. And in order to provide the service that we want to provide, I would like to be -- I would like to have access to boats that can fulfill the mission and they happen to be ferry boats.

**LEG. BISHOP:**

And what is the mission -- if a water taxi scoots around and picks up one or two people at the end of the dock and goes from one dock to another, what is the mission that you hope to provide with 150 passenger boat that's going from the one entity to the other entity?

**MR. HAFELE:**

Well, it's a little -- to say that a water taxi goes and picks up one or two or three people and drops them from here to there isn't quite true. There are times when water taxis are busy and you only carry two or three or five people, there are other times when groups of people wish to move from point A to point B on Fire Island. If I had 50 passenger boats I would use 50 passenger boats; I don't have access to 50 passenger boats, I do have access to 149 passenger boats.

**LEG. BISHOP:**

The 149 passenger boats, what water taxi call ever gets -- I mean, I don't know, I --

**MR. HAFELE:**

Believe me, I'd be running them at a loss. We certainly wouldn't be filling them up. All I need is access to boats that are Coast Guard certified, that are able to carry people in Suffolk County, be able to carry them safely from point A to point B.

**LEG. BISHOP:**

One of the locations that the 149 boat would run from is Ocean Bay Park, right?

**MR. HAFELE:**

That's a possibility, although the owner of the dock has stipulated that in his lease he might be strictly to 40 passengers and I told him that wouldn't be a problem.

**LEG. BISHOP:**

The dock at Ocean Bay Park is owned by whom? I don't understand.

**MR. HAFELE:**

The dock that you're referring to is owned by Flynn's Enterprises?

**LEG. BISHOP:**

Okay. There's another dock, though, right?

**MR. HAFELE:**

We also own a dock in Fair Harbor, yes.

**LEG. BISHOP:**

And you already run a big boat there.

**MR. HAFELE:**

Well, we run ferry service there, yes.

**LEG. BISHOP:**

Right, okay. So you would propose to go to Flynn's with 150 person boat which you might be

limited to only 50 person and pick up passengers.

**MR. HAFELE:**

Okay. Legislator Bishop, I am -- I will put myself under any set of circumstances that the owners of the dock want me to be under. If they want to restrict me to 40 passenger boats at Flynn's dock or any other dock, it's certainly within their realm to put that stipulation in their lease and either I do what they ask me to do or they cancel out my lease; I have no intention of going anyplace that we're not wanted.

**LEG. BISHOP:**

Well, let me tell you what I'm getting at and you can respond to it which will probably be the fairest way. What I don't understand is a water taxi typically, always -- I've never seen it any other way but you're telling me something different -- picks up small groups of passengers and brings them from one location to another. Now you're proposing to take big boats, 150 person boats, and go to one of the places that this competitor has approvals to go to and to run a water taxi, you call it, across the bay, right; because if those people wanted to go across the bay to Bay Shore you would take them to Bay Shore, right.

**MR. HAFELE:**

That's correct.

**LEG. BISHOP:**

So in essence, the water taxi is set up as a ferry company in competition of the ferry company that certain Legislators have blocked from moving forward.

**MR. HAFELE:**

Okay.

**LEG. BISHOP:**

And so that's what -- I'll give you a chance to respond to that because that's how I see it.

**MR. HAFELE:**

I will stipulate, I will myself stipulate in the lease to Flynn's Enterprises that he not allow a 149 passenger boat into his dock, I will accept that as a condition of doing business.

**LEG. BISHOP:**

Right. And then what would you do with the 149 passenger boat?

**MR. HAFELE:**

Well, still we would be moving people from point A to point B along the beach. It's not -- I am not -- I'm asking to be able to use some of our own equipment, our bigger equipment because we don't have anything smaller and I'm asking that we be -- I have the flexibility to put them into service at times when we're busy so that I can do what I'm telling the Legislature that I'm going to do which is provide safe and adequate service.

**[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]**

**LEG. BISHOP:**

I think, rather than relying on the lease between yourself and Flynn's, it would -- if you're going to run a water taxi, then it should be run with water taxis and not with ferry boats, and we should at this level provide for that. And, again, I don't want to block competition, I don't want to block the water taxi from occurring. What I do want to block is for the water taxi to be operating as a ferry, which I don't think is fair to the application process and may not ultimately serve the public interest.

**MR. HAFELE:**

It is my --

**LEG. BISHOP:**

So, that's what I wanted to put on the record, and I appreciate your coming forward.

**MR. HAFELE:**

It is my desire to go into business and make money and buy more equipment that fits the bill as a water taxi, more so than as a ferry boat.

**LEG. BISHOP:**

Right.

**MR. HAFELE:**

My problem is that I just don't have access to those boats right now. And as I make this promise to the Legislature, that we're going to provide adequate and safe service, those are the

only boats that I have access to. I would be more than happy to tell you right now that we won't run 149-passenger boats at Flynn's.

**LEG. BISHOP:**

The water -- I'm sorry, I was going to end this. But the water taxi company is owned by the ferry company, and the ferry company is an ESOP, right, we went through that?

**MR. HAFELE:**

Yes.

**LEG. BISHOP:**

Okay. So, then the water taxi company is an --

**MR. HAFELE:**

Right now, it's an LLC. We have been told by Counsel that during the first couple of years of operation, that we should try to separate it from Fire Island Ferries for legal purposes. But, eventually, it's going to be rolled into Fire Island Ferries. It will be part of our Fire Island Ferries license that the Legislature granted in January. It's a liability issue.

**LEG. BISHOP:**

To a less, you know, contentious issue, I suppose, the permissions to go to certain sites, what the Legislators have maintained is that you presumed you were going to have ten, or you were hoping to have ten or -- sites; is that right, ten, is that the number?

**MR. HAFELE:**

I think it's a little bit more than that.

**LEG. BISHOP:**

Whatever the number was.

**MR. HAFELE:**

Yeah.

**LEG. BISHOP:**

And it's less two?

**MR. HAFELE:**

Yes.

**LEG. BISHOP,**

And so, the only change that you anticipate is just removing the two that you didn't get permission for.

**MR. HAFELE:**

I would like to draw a line through them.

**LEG. BISHOP:**

Okay. And you are using leased boats. Okay. Thank you very much. I appreciate you coming forward.

**MR. HAFELE:**

Thank you, Legislator Bishop. Anybody else have any questions?

**P.O. CARACAPPA:**

Yeah, Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Yes. Actually, I could ask you the question I was going to ask Legislator Carpenter, which is that in the CN that will be coming before us later today, the locations for which you do not have the requisite paperwork will be omitted; is that correct?

**MR. HAFELE:**

That's correct.

**LEG. VILORIA-FISHER:**

Okay. So, you will be presenting to us a CN, which will have all of the requisite permits for all of the locations that are within that -- okay.

**MR. HAFELE:**

Yes.

**LEG. VILORIA-FISHER:**

That was my only question. Thank you.

**LEG. BISHOP:**

Put me back on.

**P.O. CARACAPPA:**

Legislator O'Leary, and Cooper, then Bishop.

**LEG. O'LEARY:**

Yes. Mr. Hafele, the point that Legislator Bishop just raised regarding the water taxi service, did Fire Island Ferry purchase an existing water taxi company?

**MR. HAFELE:**

Yes, we did.

**LEG. O'LEARY:**

And what was the name of that company?

**MR. HAFELE:**

South Bay Water Taxi.

**LEG. O'LEARY:**

All right. Did that company have any water taxis that were servicing the bay area for purposes of providing the traditional water taxis that Legislator Bishop is referring to?

**MR. HAFELE:**

Yes, sir.

**LEG. O'LEARY:**

And Fire Island Ferry didn't purchase those --

**MR. HAFELE:**

Yeah, we purchased those water taxis, but we've added to our list of vessels the possibility that we might be leasing boats from Fire Island Ferries, because the water taxis that we've purchased, some of them aren't of a high enough standard to be operated full-time on the Great South Bay. So, therefore, we will delete those at some other time, and we would -- I would like the flexibility of being able to lease boats from Fire Island Ferries to perform the services that we're promising to perform.

**LEG. O'LEARY:**

All right. Because I have to agree, oftentimes I don't necessarily do this, with Legislator Bishop. I -- my vision of water taxi is something you hop in with two, three, four people, and, boom, you're there in a moment's notice, it's just a quick ride.

**MR. HAFELE:**

Uh-huh.

**LEG. O'LEARY:**

Envisioning a 150-passenger ferry as a water taxi seems to be a little bit burdensome.

**MR. HAFELE:**

It certainly is. They are far more expensive to run. The manning levels that the Coast Guard requires on a 149-passenger boats are higher. It's a greater expense for us to be running it, but, at the same time, I'm making a promise to the Legislature that I'm going to providing advocate services to the people of Fire Island. I just need the flexibility for when I don't have enough equipment that I've purchased from South Bay Water Taxi, I would like the flexibility of being able to add these vessels, so that I can fulfill the mission that we are -- we're here for and --

**LEG. O'LEARY:**

All right. But I just wanted to clarify that in my mind, because a water taxi in my mind is just that, a quick ride, with two, three, four, five, maybe six passengers, tops.

**MR. HAFELE:**

Which is exactly what we intend to do --

**LEG. O'LEARY:**



Okay.

**MR. HAFELE:**

-- as we go forward is purchase more water taxis --

**LEG. O'LEARY:**

All right.

**MR. HAFELE:**

-- specifically built for that purpose.

**LEG. O'LEARY:**

As long as that's clarified. The other issue that I want to raise is, as the Chairman of Public Works, I've been, you know, looking to expedite this whole process, this whole ferry issue, not only for yourself, but other ferry companies as well. And this matter involving the two landing sites, that just came up this morning, did it not?

**MR. HAFELE:**

Yes. It was supposed to be in front of the Town Board this morning. They deleted it from their agenda.

**LEG. O'LEARY:**

All right. So, it was anticipated that that wasn't -- this was going to be a moot point, because the two landing sites was not --

**MR. HAFELE:**

I had a letter -- I had a letter from the Town Attorney to that effect, yes.

**LEG. O'LEARY:**

So, this CN will, obviously, rectify that situation and {dedact} from the language the two landing sites.

**MR. HAFELE:**

Yes, sir.

**LEG. O'LEARY:**

Okay.

**LEG. FOLEY:**

What are the two?

**LEG. O'LEARY:**

Atlantique, and what's the second one?

**MR. HAFELE:**

There is a dock in Bay Shore that was owned --

**LEG. O'LEARY:**

A dock in Bay Shore?

**MR. HAFELE:**

That was owned by the Town of Islip. I've replaced that with another two docks in Bay Shore.

**P.O. CARACAPPA:**

Do you have the guarantees from Brookhaven Town, as well? Do you have the permission from them for those landing sites?

**MR. HAFELE:**

Not for the Town of Brookhaven dock, no.

**P.O. CARACAPPA:**

Do you plan on going there?

**MR. HAFELE:**

Yes, sir.

**P.O. CARACAPPA:**

And you don't have the -- and you don't have the permission from the --

**MR. HAFELE:**

I plan on going there when the permission is granted from the Town of Brookhaven.

**LEG. O'LEARY:**

But you're not going there prior to getting permission, are you?

**MR. HAFELE:**

No, sir.

**LEG. O'LEARY:**

All right, good. I'm very happy to hear that.

**MR. HAFELE:**

I have an alternative site in Cherry Grove.

**LEG. O'LEARY:**

Okay. Thank you, Mr. Chair.

**P.O. CARACAPPA:**

Just before I go on, let me try and clear -- you're asking for two to be deleted. Are the Brookhaven stops on that resolution as well?

**MR. HAFELE:**

The Town of Brookhaven, the facility in the Town of Brookhaven that I wanted to use is in Cherry Grove. That didn't make it on to the Town agenda -- to the Town of Brookhaven agenda last week.

**P.O. CARACAPPA:**

Is that under resolution --

**MR. HAFELE:**

I have done --

**P.O. CARACAPPA:**

-- that landing site?

**MR. HAFELE:**

Yes.

**P.O. CARACAPPA:**

That needs to be deleted as well, then.

**MR. HAFELE:**

Okay. I'm not certain if the other dock fulfills the requirements to allow us to service Cherry Grove until I get the Town of -- Town of Brookhaven's consent.

**P.O. CARACAPPA:**

Then it should be stricken from the resolution.

**LEG. VILORIA-FISHER:**

Joe, isn't Watch Hill Brookhaven?

**P.O. CARACAPPA:**

Watch Hill is --

**MR. HAFELE:**

National Park Service.

**P.O. CARACAPPA:**

It's Brookhaven.

**LEG. VILORIA-FISHER:**

It's on the list.

**MR. HAFELE:**

National Park Service.

**P.O. CARACAPPA:**

But that's National Seashore.

**LEG. VILORIA-FISHER:**

Okay.

**P.O. CARACAPPA:**

Yeah. Legislator Cooper.

**LEG. COOPER:**

Just to be clear, are you saying that the reason that you're proposing to lease 149-passenger ferry is that there are no water taxis available for either lease or purchase?

**MR. HAFELE:**

No. These boats are available to me, and thereby making it easier for me to use them at times when I'm not able -- in using the equipment that I'm purchasing, when I'm not able to fulfill my obligations to the ridership, I wish to be able to use those boats during the busy periods of time.

**LEG. COOPER:**

But why is it that you would not prefer to lease or purchase additional water taxis instead of --

**MR. HAFELE:**

We're a startup business, Legislator Cooper. My -- I'm buying an existing company that has been -- it's been around for about 20 years. They've been licensed since 1994. Their equipment, although Coast Guard inspected, is not of the highest quality, and I wish to be able to lease boats from Fire Island Ferries, so that I can provide service to the people that I've promised to provide service for. I will very much look forward to building water taxis that are suitable for that -- for that business as we go long. That's my first -- that's one of the first things that we're going to do.

**LEG. COOPER:**

So, are you saying that water taxis are not available for lease, you either have to purchased purchase a water taxi or lease a much larger ferry?

**MR. HAFELE:**

No. I mean, I know of one water taxi that's for sale in Florida right now, but the price is

prohibitive for a startup company.

**LEG. COOPER:**

But is it possible to lease water taxis?

**MR. HAFELE:**

I haven't looked into it, no.

**LEG. COOPER:**

Just because I run a business myself, and if you're saying that you're leasing a ferry -- what is the monthly cost, approximately, to lease and operate a ferry, 149-passenger ferry, versus the monthly cost to lease and operate a water taxi, two or three water taxis? I would assume that the water taxi would be much more economical for you.

**MR. HAFELE:**

That's correct.

**LEG. COOPER:**

So, rather than pursuing the lease of a ferry at this point, why aren't you at least investigating the possibility of leasing water taxis, which you admit would be better suited for your application?

**MR. HAFELE:**

They would be better suited, but I don't know of any in the area. I do know that the Fire Island Ferry boats are tied up right next door to us and they're available, they're available to me.

**LEG. COOPER:**

And if you -- if you leased the ferry, but operated it at well under capacity, vastly under capacity, would that be profitable for you, or would you be losing money?

**MR. HAFELE:**

No, it would be less profitable for us.

**LEG. COOPER:**

But would you -- would that be profitable for you, or would you be losing money?

**MR. HAFELE:**

No, it would be less profitable for us.

**LEG. COOPER:**

But you would still make money, or you would be losing money?

**MR. HAFELE:**

Oh, yes, we hope to make money, yes. Hopefully, we carry enough people to make it worthwhile. But, in the meantime, I have a responsibility to the ridership.

**LEG. COOPER:**

But, again, you've --

**LEG. LOSQUADRO:**

Speak up, sir.

**LEG. COOPER:**

You're saying that you've never investigated the possibility of leasing water taxis.

**MR. HAFELE:**

I don't know of any in the area, no.

**LEG. COOPER:**

But you haven't checked?

**MR. HAFELE:**

No.

**LEG. COOPER:**

Thank you.

**P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

If the Legislature and the Executive put forward a Certificate of Necessity that limited you to just traditional water taxi size, I don't know how we would define that, but we would have to work that out, would you oppose that?

**MR. HAFELE:**

I would oppose it only under the idea that by my coming in front of you and asking you for a license, that I'm going to provide adequate service, that would be hindered by the fact that I couldn't lease those boats as necessary. But if that's a killer, I would hope that if we get -- if we delete those vessels, I would hope that the Legislature would be understanding, if I started -- if complaints started coming in that we weren't fulfilling our obligations to our ridership. That would be all that I ask. Yes, delete them, if it's going to kill this.

**LEG. BISHOP:**

Right, yeah. Well, I think, with some of us, that would be a -- I can't I can't speak for the body. Okay. Appreciate that answer.

**MR. HAFELE:**

Okay.

**LEG. BISHOP:**

Can I ask the County Executive's representative -- can I do that now or -- I guess I should wait.

**P.O. CARACAPPA:**

Yes, let's hold off. Legislator Losquadro.

**LEG. LOSQUADRO:**

Oh, yes, sir. The two docks that you mentioned, the one at Flynn's, and the other you own, I believe that was Ocean Beach, you said?

**MR. HAFELE:**

Flynn's is in Ocean Bay Park. We also -- Fire Island terminal in Ocean Bay Park that we have access to.

**LEG. LOSQUADRO:**



Which was the other one you owned that was in close proximity to Flynn's you said?

**MR. HAFELE:**

Ocean Bay Park.

**LEG. LOSQUADRO:**

Ocean Bay Park, I'm sorry, not Ocean Beach. Approximately, how far apart are the two of those?

**MR. HAFELE:**

As the crow flies, 300 feet, 500 feet.

**LEG. LOSQUADRO:**

If you own a dock 300 feet from an existing dock, which Flynn's is telling you, from what I gather, if they want to limit you size-wise, it's that 149-passenger boat may preclude others from docking there because of the increased size of those boats, why do you need to be 300 feet closer, if you already own a facility 300 feet away?

**MR. HAFELE:**

That's a great question, Legislator Losquadro. What happens on Fire Island on Saturday nights is just that scant 500 feet that people move from Flynn's restaurant to a dock right down the street, people have been known to be boisterous, coming out of a bar, they -- they do what people coming out of a bar do, and they generate a lot of excitement in the community when it comes to quality of life. And by us servicing Flynn's dock directly, they walk out the back door and onto a boat, they don't have to go through the community.

**LEG. LOSQUADRO:**

Was what I represented part of Flynn's concern, that they want to limit you size-wise, because 149-passenger boat -- do they have limited size of their dock, that 149-passenger boat may preclude others from docking there while you were on station?

**MR. HAFELE:**

Not necessarily to preclude others from docking there, but, yes, it does take up a lot of room on the dock.

**LEG. LOSQUADRO:**

Okay. Thank you.

**MR. HAFELE:**

You're welcome.

**P.O. CARACAPPA:**

Legislator Foley, then Mystal.

**LEG. FOLEY:**

Thank you, Mr. Chairman. Mr. Hafele, you mentioned earlier that there are two locations that would need to be delisted from the resolution, one was Atlantique. What is the other location?

**MR. HAFELE:**

At this point, I would have to ask the Clerk.

**LEG. FOLEY:**

It says Bay Shore, Fire Island Lighthouse, Fire Island communities of Kismet, Fair Harbor, Dunewood. We mentioned Atlantique before, Robin's Rest, Seaview, Ocean Bay Park. I'm just going --

**MR. HAFELE:**

There is a Town of Islip dock in Bay Shore that would need to be deleted as well.

**LEG. FOLEY:**

So, when we say between the ferry terminals at Bay Shore, does that mean --

**MR. HAFELE:**

That means I have an alternate site, that the Town of Islip site --

**LEG. FOLEY:**

You still have a -- you still have a terminal at Bay Shore -- in Bay Shore, obviously.

**MR. HAFELE:**

Yes.

**LEG. FOLEY:**

It just wouldn't be used in the Town of Islip location.

**MR. HAFELE:**

That's correct.

**LEG. FOLEY:**

And the Town of Islip location is not listed in the amended resolution at any rate.

But I want to get back to a point that the Presiding Officer mentioned, that we needed to take out Atlantique, because that was not approved by the Town of Islip for either picking up or dropping off water taxi passengers. If there are Town of Brookhaven locations that have not -- that have not been approved, and I think it's a fair point raised by the Presiding Officer, if there are locations in Brookhaven that are not -- that have not yet been formally approved, would they also have to be taken out until such time that they are approved? Or why would they -- why should they be treated differently than the others?

**MR. HAFELE:**

Actually, the Town of the Brookhaven docking facility that I had planned on using was in Cherry Grove.

**LEG. FOLEY:**

Yes.

**MR. HAFELE:**

I have an alternate site in Cherry Grove that doesn't include the Town of Brookhaven.

**LEG. FOLEY:**

All right. We also have, though, on here Davis Park, for instance, and Fire Island Pines. Well, Sailors Haven is National Park Service. But are those other locations already approved? Is there a need for approval from the Town for those other locations, or no?

**MR. HAFELE:**

The Davis Park facility was approved by the Davis Park Ferry Company, which has --

**LEG. FOLEY:**

Oh, right, right.

**MR. HAFELE:**

-- exclusive use of that park.

**LEG. FOLEY:**

Okay.

**MR. HAFELE:**

And the -- let's see. The other one was --

**LEG. FOLEY:**

Fire Island Pines.

**MR. HAFELE:**

Fire Island Pines is a private dock --

**LEG. FOLEY:**

Private dock.

**MR. HAFELE:**

-- owned by a private concern in --

**LEG. FOLEY:**

Its' further in the harbor.

**MR. HAFELE:**

-- Fire Island Pines.

**LEG. FOLEY:**

Okay. So, as far as -- the only nonapproved location is Atlantique; correct? And as far as the Town of Brookhaven is concerned, I don't see where here Brookhaven Town is mentioned as

needing their approval. There isn't --

**MR. HAFELE:**

Not with the resolution right now, no.

**LEG. FOLEY:**

Mr. Chairman, does that answer -- because you did raise a question. That's a fair question to ask.

**MR. HAFELE:**

Could I defer to the Clerk to make sure that what I'm saying is actually correct?

**LEG. FOLEY:**

Okay. And while she's looking -- while the Clerk is looking for -- or Sandy is, while she's doing that, if you could answer the question, because this has happened before with ferry applications about a time -- timeliness of the resolutions, being that it's now the springtime. If we wait one more month, it gets closer to the time of May, when you want to have, you know, all the tickets printed and the books printed, and so forth and so on. Why is it important that this be decided upon tonight, as opposed to a month from now?

**MR. HAFELE:**

Because of the equipment that we purchased has -- when the former operator shut down last September, he tied the boats up to a dock and basically walked away. There's been no maintenance done to them, there's been no engine work done, there's been no painting. We have a tremendous amount of work in front of us and a very short time to do it. Last year, between March 23rd and April 20th, which is the time span that we're looking at right now, South Bay Water Taxi did at least 50 trips that I can determine from his somewhat less than stellar bookkeeping.

**LEG. FOLEY:**

Right. So, in other words, you've made a business decision not to undertake any maintenance or -- either basic maintenance or more thorough reconstruction of these vessels until such time as the ferry license has been approved by -- water taxi license has been approved by the Legislature?

**MR. HAFELE:**

That's correct.

**LEG. FOLEY:**

Is that right?

**MR. HAFELE:**

Yes, sir.

**LEG. FOLEY:**

Okay. All right. Thank you.

**P.O. CARACAPPA:**

Any other questions? Okay. I just want to ask one -- just for the record to get it clear for me. You're asking -- you're going to lease boats to provide an increased service.

**MR. HAFELE:**

To provide a better service.

**P.O. CARACAPPA:**

A better or an increased service, from what you currently do.

**MR. HAFELE:**

From what the previous owner did, yes. I want to provide very much better service.

**P.O. CARACAPPA:**

You've come and spoken against another company that asked to do the same exact thing. If you don't mind me asking, why?

**MR. HAFELE:**

In regard to the leases?

**P.O. CARACAPPA:**

Leasing boats to provide additional service.

**MR. HAFELE:**

Okay.

**P.O. CARACAPPA:**

Better service, however you want to put it.

**MR. HAFELE:**

The leases that I have from Fire Island Ferries will -- as part of the lease, the employees of Fire Island Water Taxi will be operating the vessels. The money collected by the crews will stay with Fire Island Water Taxi. With the leases that I spoke against in June, the vessels are operated by a New Jersey company. They collect the money and take it back to New Jersey with them.

**P.O. CARACAPPA:**

The water taxi crew is going to operate the boats, you said, under this new agreement?

**MR. HAFELE:**

Yes, sir. They will be Fire Island Water Taxi employees.

**P.O. CARACAPPA:**

I think one of your arguments was in the past that New York Waterways crew would be manning the boats that are giving increased service under this other operator.

**MR. HAFELE:**

That's correct, which would -- I'm sorry.

**P.O. CARACAPPA:**

So, you're not using your crew, you're using another crew to operate your new water taxis, but the other gentleman can't use a different crew to operate a leasing -- the leased boats that he's bringing in. Just let me -- I'm just trying to get it straight here.

**MR. HAFELE:**

Okay. The company that's leasing the boat, all right, should put their employees, collect the money, and the money go to their company, all right, which is what Fire Island Water Taxi intends to do. We'll lease the boats from Fire Island Ferries, put Fire Island Water Taxi

employees on, collect the money, and the money goes to Fire Island Water Taxi. What the other lease entailed was they come in and operate under Bay Shore Ferry's license with New York Waterway boats, New York Waterway crews, the crews collect the money, and the money goes back to New Jersey with the boat when it leaves here on Sunday night.

**P.O. CARACAPPA:**

And the problem with that is?

**MR. HAFELE:**

Bay Shore Ferry doesn't see any value from the -- from the leases, all the money goes to New York Waterway.

**P.O. CARACAPPA:**

But isn't it about increased service and competition?

**MR. HAFELE:**

As far as I'm concerned, it's about better -- about better service, yes.

**P.O. CARACAPPA:**

Me, too. Anyone else? Legislator Carpenter.

**D.P.O. CARPENTER:**

I certainly don't want to debate this, but it seems, just by listening to this explanation now, what I had said all along is if we're -- if we were to allow a company from New Jersey, New York Waterways, to come in with their boats and their crews and then turn around and go back to New Jersey with the boat and the crew and the fare box, that they would be operating under the license of Bay Shore Ferry and that Bay Shore Ferry would have been assigning their license; that if this additional service wanted to come in and go through the same process that we've required Fire Island Ferries, Fire Island Water Taxi, Sayville Ferries, North Ferry, South Ferry, and the list goes on, Davis Park, we tell them, "Come in, file your application, show your permissions," and so forth, "Share your financial statements, your audited financial statements." If this other company from New Jersey or New York wants to apply for a license, they should have to do the same kind of things. They shouldn't be able to have a license assigned to them, just the way I would object, just as strongly, if not more so, if Fire Island Ferries or the Sayville Water -- Sayville Ferries, you know, brought a company in from Cape May



and said, "Bring your boats in here, bring your crew in here," and start running boats on the bay. And I think we would all rightfully object to that.

But, if a company wants to come in, whether they're based here or not, and go through the process and procedures that we've established in this Legislature and applied for a license, they should, in fact, be able to do that. And, you know, the more the merrier.

But I think, at this point here, we have someone who has a proven track record, as Budget Review Office has cited in their reviews time and time again, who has run a very impeccable operation that have abided by the laws and abided by the rules, and gone through the process that we've outlined for them, and they're asking for a license to operate. And, you know, I don't see where, especially when the previous company that was providing this water taxi service on the bay generated an inordinate amount of complaints. And many of those people came before this Legislature a couple of years ago, and I know many of them contacted me in my office complaining about arbitrary fares, that one time they charged \$12, and another time they charged \$30, or Legislator Bishop who got --

**LEG. BISHOP:**

That's right.

**D.P.O. CARPENTER:**

-- zapped. And here the, structure that's being set forth, to my understanding, is that it's going to be clearly defined, there will be zones, and you will know when you're getting on the boat exactly what the fare is going to be. So I think we would be doing a just and right service for the residents of this County and those tourists and visitors who we hope to encourage to come here, to be providing service that is reliable. And, really, we should just close this hearing and move forward.

**LEG. VILORIA-FISHER:**

Mr. Chair.

**P.O. CARACAPPA:**

There's a list. I just -- people should realize, I have no problem with Mr. Hafele or his company. I think he's a very reputable person, and his company is fantastic. It's been around a lot longer than I have. But it's just clear and evident to me, and I'm just one person, and you can

disagree with me, there's been a stifling of competition in this debate for a year now, not only by members of this Legislature, but by the possible competing ferry company. That is my objection, that is my concern, that it's the people of Suffolk County and people from -- coming in from outside of Suffolk County who want to use a ferry service, of being told in one way or another that they can't, because the competition is being squashed time and time again. That's how I view it. And you could disagree with me all you want, I'm not going to disagree with you. You have valid points, and I think my points are completely valid as well. Legislator Cooper.

**LEG. COOPER:**

First of all, I agree wholeheartedly with the comments of the Presiding Officer. And I think, clearly, sir, if you were applying for a license to run additional water taxis, it would be much less of an issue, but you're not. My understanding is that you intend to utilize the 149-passenger ferry primarily for lateral ferry service, service along the shore; is that correct?

**MR. HAFELE:**

Yes, sir.

**LEG. COOPER:**

Although, occasionally, you may across the bay.

**MR. HAFELE:**

That's a possibility, yes.

**LEG. COOPER:**

Aren't there depth constraints? If you're going to be running a boat that size along the shore, isn't that problematic? My understanding is that you'd really have to sail out into the bay and then run parallel and then sail back in.

**MR. HAFELE:**

That's the same with any boat that we'd use. The water taxis, the drafting requirements --

**LEG. FOLEY:**

Speak into the mike, please.

**MR. HAFELE:**

-- of the water taxis would indicate you'd have to do the same thing.

**LEG. FOLEY:**

Speak into the microphone.

**LEG. LOSQUADRO:**

Sir, speak into the microphone.

**LEG. COOPER:**

But you certainly would have to go out to --

**LEG. FOLEY:**

Speak closely into the microphone.

**LEG. COOPER:**

I may be wrong, but I would assume you'd have to go out to a much greater depth with a 149-passenger boat than a small water taxi.

**MR. HAFELE:**

In some areas, yeah, but it's not -- the water taxis would have to follow the same route anyway, because the sandbars are six -- you know, you're talking about six inches of water. Maybe at high tide a water taxi could scoot over the top of a sandbar, but 95% of the time, we would follow the same route.

**LEG. COOPER:**

Also, I spoke just now to a friend of mine, who happens to at least peripherally be in this business, and he said that you would be able to have a -- have water taxis basically built to order.

**MR. HAFELE:**

Yes, sir.

**LEG. COOPER:**

But -- and, instead of purchasing them, you can structure it financially, so there hey would be

lease agreements instead of outright purchase. He says it's done all the time. So, again, I ask why you're not pursuing that?

**MR. HAFELE:**

We are a startup business. We have debt, we have no income. My intention is to purchase more water taxis and have them built as the funds become available. The profit of the company will be plowed back into the company, and in so doing, upgrade the fleet. I fully intend to start building water taxi -- water taxis at the first possible moment, hopefully, by this Fall.

And, by the way, this is a one-year license that I'm asking for. I will be back here at the end of the baseball season going through this all over again, and I hope, at that point, to have contracts in place to build at least one, if not two, water taxis.

**LEG. COOPER:**

I just for one would feel more comfortable voting for this if I knew that you at least made an effort, let's say, over the next month to source out possible leasing arrangement for water taxis. And if you came back and said, "Legislator Cooper, I tried that, there's nothing available" --

**MR. HAFELE:**

Legislator Cooper, my business plan is to replace the vessels that I've purchased with brand new vessels. That's part of the business plan. And as a stopgap measure for the next few months, I'm asking for the latitude to be able to use a ferry boat. And if the Legislature has a problem with that, I guess deleting them off the schedule of vessels would be the best thing to do.

**P.O. CARACAPPA:**

Done?

**LEG. COOPER:**

Yes, I am. Thank you.

**P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

Yeah.

**P.O. CARACAPPA:**

Finally, Legislator Bishop.

**LEG. BISHOP:**

Yeah. I'm going to withdraw my motion to recess. I think that the proper action to take is to close the hearing. I don't think it's proper to pass a CN tonight, I think it should go to committee, and poor Legislator O'Leary, to sort through this issue and the other ferry issues at the Public Works Committee. But, obviously, from my perspective, the removal from the schedule of the large boats is, you know, a simple issue of fairness and integrity of the process.

And then the other issues, which, frankly, I don't think they should be a roadblock to this application or to any other application, because I think that the leasing of the boats by a company, as long as the boats are seaworthy, is proper, and the landing issues can be resolved, as you're attempting to do today. I think that Fire Island Ferries runs a very good ferry company, I'm sure they could run a very fine water taxi as well, but, ultimately, we need to have competition on the bay. And the same issues, the same way we apply issues against other applicants should be applied against Fire Island Ferries and Fire Island Water Taxi.

**P.O. CARACAPPA:**

Finally.

**LEG. VILORIA-FISHER:**

Just very briefly.

**P.O. CARACAPPA:**

Briefly, Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

Very briefly, because I agree with what you said, Mr. Presiding Officer regarding competition. We have to be certain here that we're not putting all our weight behind the 500 pound gorilla. And so I believe we should address the issue of using the 149-passenger -- eliminating that use. And it should also be clear that you're actually leasing from yourself. You have one of your companies leasing from another one of your companies.

**MR. HAFELE:**

Yes, ma'am.

**LEG. VILORIA-FISHER:**

And so I think that further underscores that sense of just one large entity taking over the whole operation. And so I -- that's why I really seconded the motion to recess, because I feel we have to look at this very carefully. We have seen people come before us time and time again and raked over the coals, not being asked the same questions, and we want to be fair to everyone.

**MR. HAFELE:**

I understand that. My question to you would be, then, if I delete them, is it still possible to keep this moving forward and vote on it tonight?

**LEG. O'LEARY:**

Motion to close.

**LEG. VILORIA-FISHER:**

Second.

**LEG. O'LEARY:**

Mr. Hafele, that's enough. It's 45 minutes.

**MR. HAFELE:**

Thank you, Legislator O'Leary.

**P.O. CARACAPPA:**

I have no other cards. Anyone wishing to be heard on this matter? Is it possible anyone else could be wanting to be heard on this matter?

**LEG. O'LEARY:**

Motion to close.

**P.O. CARACAPPA:**

I don't think so. There's a motion to close and a second. All in favor? Opposed? Abstentions?  
1007 is closed.

1009 - Approving rates established for Fire Island Water Taxi.

I have no cards.

**LEG. O'LEARY:**

Motion to close.

**D.P.O. CARPENTER:**

Motion to close.

**P.O. CARACAPPA:**

Anyone wishing to be heard on this hearing? There's a motion to close by Legislator O'Leary.  
Legislator --

**LEG. BISHOP:**

I just have a question of Budget Review, since --

**P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

Has there been a report on the rate schedule? I just want to know, is it the same as last year's rate schedule that the other company used, and what are the significant changes, if there were any?

**MR. DUFFY:**

The problem in attempting to compare it, we issued our report on March 8th, 2004, and basically, in our report, we indicated that there was much confusion as to what South Bay Water Taxi was charging in its fares. The applicant has established a series of zones, which is very different from what South Bay Water Taxi was doing.

**LEG. BISHOP:**

Could I ask one question, then? How much will it cost to go from Bay -- Ocean Bay Park to Bay Shore under the zone system that they --

**LEG. FOLEY:**

That's Cross Bay.

**LEG. BISHOP:**

Cross Bay.

**MR. DUFFY:**

Cross Bay?

**LEG. BISHOP:**

Well, it used to be a fortune on the water taxi. I just want to know what the --

**MR. DUFFY:**

Okay. Unscheduled seasonal cross bay service from Bay Shore begins May, ends Columbus Day, \$100 for up to six passengers, and \$13 for each additional passenger.

**LEG. BISHOP:**

So 100 divided by six, if it's --

**MR. DUFFY:**

Well, you would pay the hundred anyway. If you had four passengers, the hundred becomes the minimum. And if you have more than six passengers, then it would be thirteen --

**LEG. BISHOP:**

I just want to make sure it's more -- again, I'm concerned that it's a water taxi -- it's a ferry masquerading as a water taxi and it's not. It would be significantly more to take a water taxi across the bay than it would a ferry. That's what I want to make sure is occurring.

**MR. DUFFY:**

That's correct.

**LEG. BISHOP:**

Okay.



**LEG. MYSTAL:**

As a point of information for David Bishop, I was robbed. Two years ago, I took that taxi, it cost me 250 bucks.

**LEG. BISHOP:**

I know. I was robbed, too.

**P.O. CARACAPPA:**

There's a motion --

**LEG. BISHOP:**

I know. I know the last guy was bad.

**P.O. CARACAPPA:**

There's a motion to close and a second. All in favor? Opposed? Abstentions?

Moving on to **1023 (Authorizing alteration of rates for South Ferry, Inc.)** Authorizing --

**LEG. CARACCIOLO:**

Motion to close public hearing --

**P.O. CARACAPPA:**

On the motion.

**LEG. CARACCIOLO:**

-- and discharge from committee.

**LEG. FOLEY:**

Second.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

I have cards.

**LEG. O'LEARY:**

Oh, there's cards.

**P.O. CARACAPPA:**

1023?

**LEG. CARACCILOLO:**

Yes.

**P.O. CARACAPPA:**

Yeah, there's cards. Authorizing alteration of rates for South Ferry. First speaker is Cliff Clark.

**LEG. CARACCILOLO:**

You could waive your --

**MR. CLIFF CLARK:**

I will waive my presentation on this, unless there's questions.

Thank you.

**P.O. CARACAPPA:**

Okay. Thank you. Next speaker is Bill Clark.

**MR. BILL CLARK:**

I will pass also.

**P.O. CARACAPPA:**

Thank you, Mr. Clark. I have no other cards on this matter. Anyone wishing to be heard?

There's a motion to close by Legislator Caracciolo.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Foley. All in favor? Opposed? Abstentions?

**LEG. CARACCILO:**

A motion to --

**P.O. CARACAPPA:**

The public hearing is closed. There's a motion to discharge --

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

-- from committee 1023 from Legislator --

**LEG. CARACCILO:**

Correct.

**LEG. CARACCILO:**

By Legislator Caracciolo.

**LEG. CARACCCIOLO:**

Yes. Thank you, Mr. Chairman.

**P.O. CARACAPPA:**

Is there a second?

**LEG. O'LEARY:**

Second.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator O'Leary.

**LEG. CARACCILO:**

Counsel, will this motion require 10 or 12 votes?

**LEG. SCHNEIDERMAN:**

Twelve.

**LEG. O'LEARY:**

Counsel?

**D.P.O. CARPENTER:**

Twelve, ferries --

**LEG. O'LEARY:**

Are you counsel?

**D.P.O. CARPENTER:**

Twelve.

**MS. BURKHARDT:**

It has to age an hour.

**MS. KNAPP:**

And it has to age an hour.

**P.O. CARACAPPA:**

Has the bill been discharged? It has to be -- it has to be circulated.

**LEG. CARACCIOLO:**

Right.

**P.O. CARACAPPA:**

So before --

**LEG. CARACCIOLO:**

Okay. We can come back to it after we do public hearings, right.

**P.O. CARACAPPA:**

I suggest you have it distributed as soon as possible.

**LEG. CARACCIOLO:**

Yeah.

**P.O. CARACAPPA:**

So, then you make the motion?

**LEG. CARACCIOLO:**

And we have to let it age one hour.

**P.O. CARACAPPA:**

Yes.

**LEG. CARACCIOLO:**

Okay.

**P.O. CARACAPPA:**

So, we'll pass over it for now.

**LEG. CARACCIOLO:**

Okay.

**P.O. CARACAPPA:**

**1024 - Approving water taxi ferry license for At The Port, Inc.**

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

I have a card. Richard Blakeslee.

**MR. BLAKESLEE:**

Thank you. Good evening. My name is Richard Blakeslee. I am a principal in At The Port Water Taxi, Inc. I have a water taxi, little water taxi, 26 passenger. We have -- I've been before you before, giving you an idea of what our goals are in providing a multi-modal transportation system for the Patchogue River and surrounding area.

There were a couple of questions and issues that came up, and one was a cross bay service to Davis Park. We have removed that request from our license on the instruction of the members from the Town Board at Brookhaven Town. So, perhaps in the future we could revisit that and come back, and possibly service Davis Park as well. Beyond that, I believe that we've responded to and answered adequately all of the other issues, but -- that were brought before the Division of Budget and anyone else. So, I'm here to, hopefully, get this thing moving, so that we can get going with our season.

**P.O. CARACAPPA:**

Thank you, Mr. Blakeslee. There's a question. Legislator O'Leary.

**LEG. O'LEARY:**

Actually, Mr. Blakeslee answered my question. The cross bay matter has been resolved.

**MR. BLAKESLEE:**

Yes, it has. We have removed that from our schedule.

**LEG. O'LEARY:**

And this is just a request for lateral.

**MR. BLAKESLEE:**

Yes.

**LEG. O'LEARY:**

Lateral license.

**MR. BLAKESLEE:**

Patchogue River --

**LEG. O'LEARY:**

Patchogue River.

**MR. BLAKESLEE:**

Multi-stops on Patchogue River and Corey Creek, Town of Brookhaven dock at the end of Sandspit.

**LEG. O'LEARY:**

Question and answered. Thank you very much.

**P.O. CARACAPPA:**

There's a question of Legislator Alden.

**LEG. ALDEN:**

Are you going to have left-handed or right-handed captains piloting these vessels.

**MR. BLAKESLEE:**

We have right-handed captains.

**LEG. ALDEN:**

Thank you.

**MR. BLAKESLEE:**

All right-handed captains.

**LEG. CARACCIOLO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Was that in the Budget Review report? Legislator Caracciolo.

**LEG. CARACCIOLO:**

I'd like to make a motion to close.

**P.O. CARACAPPA:**

Motion to close --

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

-- 1024.

**LEG. FOLEY:**

I'd like to second.

**P.O. CARACAPPA:**

Second by Legislator Foley. All in favor? Opposed? Abstentions?

**LEG. O'LEARY:**

Motion to discharge.

**LEG. FOLEY:**

Motion to discharge, Mr. Chairman.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

Can you have it circulated for us Legislators? The bill, can you have it -- there's a motion -- just have it distributed to members before you make a motion.

**LEG. FOLEY:**

Right, okay.

**LEG. O'LEARY:**

Okay.

**P.O. CARACAPPA:**

**1025 - Authorization of rates for At the Port, Inc.**



**LEG. FOLEY:**

Motion.

**LEG. O'LEARY:**

Second.

**LEG. FOLEY:**

Motion to close.

**P.O. CARACAPPA:**

Are there any speakers? I have no cards. Motion to close by Legislator Foley, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**LEG. FOLEY:**

Also a motion to discharge, Mr. Chairman.

**P.O. CARACAPPA:**

We'll wait until it's distributed.

**LEG. FOLEY:**

Yes. Thank you.

**P.O. CARACAPPA:**

**1033 - A Charter Law to ensure integrity in Suffolk County land transactions by disclosing campaign contributions.** I have no cards.

**LEG. COOPER:**

Motion to close.

**LEG. CARACCILO:**

Second.

**P.O. CARACAPPA:**

Motion to close by Legislator Cooper, second by Legislator Caracciolo. All in favor? Opposed? Abstention? 1033 is closed.

**1070 - A Charter Law creating Taxpayer Office of Inspector General.** I have no cards.

**LEG. CARACCILO:**

Recess.

**LEG. CRECCA:**

Motion.

**P.O. CARACAPPA:**

There's a motion to recess by Legislator Caracciolo, second by Legislator Crecca. All in favor? Opposed? Abstentions? 1033 is recessed. 1070 - A Charter Law creating Taxpayer -- oh, we just did that.

**1139 - A Charter Law to authorize two-year rolling debt under 5/25/5 Law to mitigate budgetary shortfall.** I have no cards. Anyone wishing to be heard?

**LEG. CRECCA:**

Motion to recess.

**LEG. CARACCILO:**

Motion to close.

**P.O. CARACAPPA:**

Motion to recess by Legislator Crecca.

**LEG. ALDEN:**

Second by Legislator Bishop.

**P.O. CARACAPPA:**

Second by Legislator Caracciolo. All in favor? Opposed? Abstentions? 1139 is recessed.

**1195 - A local law to restore full public financial disclosure to Suffolk County Ethics Reform.**

**LEG. CARACCIOLO:**

Motion to close.

**P.O. CARACAPPA:**

I have speakers. First speaker, Felicia Pasculli. Felicia Pasculli? Victor Yannacone. Very well. There's a motion to close by Legislator Caracciolo.

**LEG. CARACCIOLO:**

Yes.

**P.O. CARACAPPA:**

Seconded by -- is there a second?

**LEG. LINDSAY:**

I'll second.

**P.O. CARACAPPA:**

Second by Legislator Lindsay. All in favor? Opposed? Abstentions? 1195 is closed.

**1196 - A local law to establish criteria for Ethics Commission appointments.** I have no cards. Anyone wishing to be heard?

**LEG. LINDSAY:**

I make a motion to close.

**P.O. CARACAPPA:**

Motion to close by Legislator Lindsay.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator O'Leary. All in favor? Opposed? Abstentions? 1196 is closed.

**1222 - A Charter Law to mitigate County liability by expanding prior written notice of**

**defective condition requirements.** I have one card, Lynne Bizzarro.

**MS. BIZZARRO:**

Good evening. I just want to make -- wish to make a short presentation on I.R. 1222, adopting a Charter Law to mitigate County liability by expanding prior written notice of defective condition requirements.

Section 139-1 of New York Highway Law imposes liability on counties for injuries sustained to persons or property in consequence of roads, highways, bridges or culverts being defective, out of repair, unsafe, dangerous or obstructed because of the negligence of the County.

Section 139(2) of the New York Highway Law, as interpreted by the courts, authorizes counties to supercede the provisions of Section 139(1) by the enactment of a local law to that effect.

The current Section C8-2A sets forth what the Department of Public Works shall have charge and supervision of, and states that no civil action can be maintained against the County for damages or injuries sustained due to any highway, road, street, bridge, or grade, separation structure, or drain or drain structure being defective, unsafe, or as the consequence of the existence of snow or ice unless the County has received written notice within a reasonable time before such injury of the notice of the defect, unsafe condition or existence of snow or ice.

Section C8-2A of the Suffolk County Charter, requiring prior written notice of defective conditions as a predicate to bringing a lawsuit is not as expansive as that allowed under State Law. As a result, the County is unable to get out of lawsuits on summary judgment motions having to do with sidewalks, walkways, and the various other locations that have been statutorily and judicially declared to be allowed in the County's prior notice statute.

Expanding the scope of the types of properties subject to the requirement of prior written notice of a defective condition consistent with New York Highway Law and the New York General Municipal Law is integral to limiting to County's liability for injuries sustained due to alleged defects on those properties. The resultant limitational liability will also have the effect of reducing the economic burden on taxpayers associated with the cost of litigation and potential awards for damages.

In addition, when the community at large becomes aware of this more expansive requirement

for prior written notice, the County will receive more notification of dangers existing in our County, giving the County the notice it needs to act upon the defects and dangers promptly to avoid injury.

The proposed new Charter Law would do the following: It would expand the locations for which the County Department of Public Works has general charge and supervision to include sidewalks and all other locations that have been statutorily and judicially declared to be allowed in a county's prior written notice statute. It would also expand the list of locations, requiring prior written notice be given to the County before a civil action can be maintained. All locations on that list are supported by State statute and the case law interpreting same. It would also define "reasonable time" as not less than 30 days from receipt of notice for the County to remedy the defective conditions, not including ice or snow. It would also define "reasonable time" as not less than seventy-two hours from receipt of the notice for the County to remedy a snow or ice condition. Both of these time frames have been found by the courts to be reasonable.

Currently, the County has at a minimum of 20 to 30 cases involving sidewalks or other locations not covered by its prior written notice statute. Those cases take up a large amount of time -- a large amount of attorney time that could be spent on other cases. I have some County-wide statistics to indicate how large an area in the County, not currently included in its prior written notice statute, that would be included under the proposed law. There are 400 -- approximately 415 miles of road under County control, half of which are contiguous to sidewalks. Three hundred buildings are owned and controlled by the County; those areas would be affected. And the three college campuses owned by the County have a total of 555 acres and 25 major buildings. They have several small buildings as well.

**LEG. BISHOP:**

All right. Get to the point.

**MS. BIZZARRO:**

I'm sorry. Looking to impress you. The total square footage of the buildings is over a million feet, and there are four-and-a-half miles of roads, three-quarters of a mile of sidewalks, 19 parking lots, and 25 exterior stairways at the college campuses. I just ask that you close the public hearing.

**LEG. CRECCA:**

Any other speakers?

**P.O. CARACAPPA:**

Legislator Viloria-Fisher, you have a question?

**LEG. BISHOP:**

No.

**LEG. VILORIA-FISHER:**

No, it's not really a question. I'm just trying to put this into a quick nutshell in nonlegalese, which is that you're just naming more places and defining the time that people have to inform the County if there's a problem, 30 days.

**MS. BIZZARRO:**

Correct. In a reasonable time, right.

**LEG. VILORIA-FISHER:**

Okay.

**MS. BIZZARRO:**

Right.

**LEG. VILORIA-FISHER:**

That's all.

**P.O. CARACAPPA:**

Thank you. Is there a motion?

**MS. BIZZARRO:**

Thank you.

**LEG. CRECCA:**

Motion to -- go ahead, sorry.

**P.O. CARACAPPA:**

Motion to recess --

**LEG. CRECCA:**

Motion to recess.

**P.O. CARACAPPA:**

-- by Legislator Crecca, second by Legislator Bishop. All in favor? Opposed? Abstentions?

**LEG. LINDSAY:**

Opposed.

**LEG. VILORIA-FISHER:**

Why?

**P.O. CARACAPPA:**

One opposition.

**LEG. VILORIA-FISHER:**

Yeah, I'm opposed, too.

**P.O. CARACAPPA:**

Legislator Lindsay, Legislator Viloría-Fisher. Two oppositions.

**MR. BARTON:**

Recessed.

**P.O. CARACAPPA:**

It's recessed. Thank you. **1223 - A Charter Law amending the Suffolk County Charter to require the adoption of a reapportionment plan in a timely manner.** There's a motion -- I have no cards. Anyone wishing to be heard? There's a motion to recess by Legislator Montano, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions? 1223 is recessed.

Okay. That's it for public hearings. Now, I'd like to make a motion, second by Legislator Crecca, to set the date for the following public hearing: 1336 - A Charter Law to amend -- 1336 -- well,

let me get these dates right. Now that that one's changed, I'm going to come back to that one, because -- c.

**LEG. FOLEY:**

1225. Mr. Chairman, is 1225 circulated as well, or just 12 -- 1024?  
1225?

**MR. BARTON:**

It's coming out.

**P.O. CARACAPPA:**

Well, let me just set these public hearings. Setting the date of April 7th, 11:30 a.m., at the William Rogers Building, the Rose Caracappa Auditorium, for 1236. All in favor? Opposed? Abstentions?

Setting the date for April 7th at one p.m., at the William Rogers Building in Hauppauge, in the Rose Caracappa Auditorium, for 1330. All in favor? Opposed? Abstentions?

Setting the date of -- motion and a second -- motion by myself, second by Legislator Crecca, setting the date of April 20th, 2004, at the William Rogers Building, in the Rose Caracappa Auditorium, for the following public hearings: 1170, 1211, 1236, 1238, 1239, 1245, 1273, 1274, 1277, 1328, 1329, and 1331. All in favor? Opposed? Abstentions?

Going back to 12 -- setting the date of Tuesday, April 6th, 2004 at 9:30 a.m., at the William Rogers Building in Hauppauge, in the Rose Caracappa Auditorium, for Public Hearing 1278 and 1237, which originally was at the General Meeting.

**LEG. FOLEY:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator -- Legislator Foley.

**LEG. FOLEY:**

Yes. Thank you, Mr. Chairman. I had to step outside briefly. But on I.R. 1278, 1336 and 1330, as well as 11 -- well, no. Those three, thirteen 1330, 1336 and 1278, if you could -- those are



public hearings that are going to be held in committee, and I just want to voice my opposition to holding those in committee, I think they should be before the full Legislature.

**P.O. CARACAPPA:**

That's duly noted.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Mr. Clerk. All in favor? Opposed? Abstentions? Those public hearings are completed.

Going back to the public officials' part, I'd ask the County Executive's representatives -- are you still here? Todd. It took a little longer than I expected. While we wait -- is Todd -- all right. Let's go to -- County Clerk, Mr. Romaine, why don't you come up while we're waiting for the County Executive.

**MR. ROMAINE:**

Thank you very much. I'll be very short and very brief. I'm here to ask you to override County Executive's veto of Resolution 186, which is a resolution authorizing me to apply to the New York State Department of Taxation and Finance for reimbursement of legitimate expenses in my office, and to set aside mortgage tax in the first instance for that purpose.

Let me make some things clear, because the County Executive seemed to muddy the waters a little bit. All monies collected by my office, including the mortgage tax reimbursement, goes to the Treasurer, nor does we -- nor would we involve any problem with the County Charter. We are complying with Article 11, Section 262 of New York State Tax Law that says that I am entitled, as County Clerk, to apply for my legitimate expenses. If the Legislature agrees, we pass a resolution, County Executive signs it, and we get reimbursed. What the County Executive has done, because the period of this reimbursement starts April 1st, is to jeopardize \$1,684,878 in absolute first money for this County. I'm asking for a veto override. And this money cannot be used, and I want to emphasize this, this money cannot be used for general purposes or unspecified purposes. This money is only to reimburse the County Clerk for his legitimate expenses. I'm asking for a veto override for this. And I'd be happy to entertain any questions on this issue.

**P.O. CARACAPPA:**

Legislator Crecca.

**LEG. CRECCA:**

Yeah. Counsel, my question is for you, as to what this money can be used for. Is the Clerk correct in that it's for reimbursement for Clerk's expenses, or can it be used for other governmental purposes, if you know.

**MS. KNAPP:**

Section 262 of the Tax Law is very specific, that the recording officers, which would be the County Clerk and the County Treasurers, are entitled to receive all their necessary expenses for the purpose of this article, including printing, hire of clerks and assistants, must be approved by the Tax Commission, and it's s subject to audit by the Comptroller. I guess the short answer is yes.

**LEG. CRECCA:**

Okay.

**MS. KNAPP:**

The ability, just --

**LEG. CRECCA:**

I assume that's the answer.

**MS. KNAPP:**

I point out, the ability to impose a tax, any tax such as the mortgage tax, is governed by State Law, and the sections governing the mortgage tax are fairly expansive.

**P.O. CARACAPPA:**

Okay? Legislator Binder.

**LEG. BINDER:**

Mr. Clerk, have you spoken with anyone in New York State government as to our ability to extend the timeline or the deadline on this?

**MR. ROMAINÉ:**

(Shook head no).

**LEG. BINDER:**

Is there -- have there been any communications?

**MR. ROMAINÉ:**

No. It's set in law and in regulation. We are asking for a reimbursement beginning April 1st, 2004, to run through March 31st, 2005. And what happens is, as we collect these dollars, the following month, on a monthly basis, we remit directly to the Treasurer. We take the County's money right off the top and we remit to the Treasurer. And then what should happen is that these funds should then be afforded to our budget, and whatever the monies the County has given our budget, they don't have to expend.

**LEG. BINDER:**

So, if we fail to override this veto tonight, there isn't a second bite at this apple.

**MR. ROMAINÉ:**

There's no --

**LEG. BINDER:**

It's not like we can -- can we put in a bill tonight, and then by April 20th, pass another piece of legislation?

**MR. ROMAINÉ:**

No. My understanding is that the County Executive is going to come forward at the end with his own CN, and that CN would simply do the exact same thing, except leave off the last paragraph of the resolution, because he doesn't want to feel bound, I feel, my personal opinion, to reimburse my office. And I will say this, because when Todd Johnson called me up with the veto, I said, "You know, if Mr. Levy wants credit for the mortgage tax, if he wants to put his name on the bill, I am willing to support that, providing he would enter into a memorandum of agreement with me that that money is, in fact, due, as State Law and regulation prescribes, back to my office." That offer was repeated and no response was forthcoming. So I can only deduce from that that there is not a desire to reimburse the County Clerk's budget for this

money, and that is a concern. And I will seek whatever legal remedies I have to, which I really hope I don't, and that's why I'm asking for a veto override.

**LEG. VILORIA-FISHER:**

Joe.

**P.O. CARACAPPA:**

There's a list. Legislator Binder, were you done?

**LEG. BINDER:**

Yes.

**P.O. CARACAPPA:**

Legislator Montano.

**LEG. MONTANO:**

Good evening, Mr. Clerk, Mr. Romaine. When you came before this Legislature when this bill was originally before us, my understanding was, not having been here last year, was that this was a pro forma resolution that had been passed in previous years under a certain format, and this year, the format that was presented to the Legislature changed somewhat; is that accurate?

**MR. ROMAINE:**

Yeah, that's correct. The last paragraph was added, Legislator Montano.

**LEG. MONTANO:**

All right. What was the basis, because I think I remember, but I just want to hear, what was the basis upon which this resolution was changed this year, as opposed to previous years?

**MR. ROMAINE:**

To clarify once and for all that that money, or a certain portion of that money, should go back to our salary lines. And the reason for that, sir, is that this County Executive has failed to fill vacancies that are funded by the mortgage tax, and we are collecting that money for vacant positions, which puts me in jeopardy when I sign every month and ask for this money to be taken off the top and sent to the Treasurer.

**LEG. MONTANO:**

Do you have any specific instances where you claim that what you just said is taking place?

**MR. ROMAIN:**

Every month I have to file a report. It's based on the expense list. You have an attachment list to the original resolution where I outline my expenses. Those expenses were outlined last year. They included a number. Probably about somewhere approaching 40% of my staff is underwritten by the mortgage tax. When you don't fill vacancies and then you leave them vacant for a longer period of time, and we are taking State money as if their vacancies are filled and we're seeking reimbursement, and I sign that, as every month goes by, I place myself in legal jeopardy.

**LEG. MONTANO:**

Are you in legal jeopardy now, or do you have recourse, as you said early, that --

**MR. ROMAIN:**

I think what we --

**LEG. MONTANO:**

-- if you felt that something --

**MR. ROMAIN:**

We're in the --

**LEG. MONTANO:**

Let me finish the question, please.

**MR. ROMAIN:**

I'm sorry.

**LEG. MONTANO:**

I'm sorry. Do you feel that you're in jeopardy now, or are you anticipating problems down the road that you want to resolve in this resolution?

**MR. ROMAINÉ:**

I'm anticipating problems based on the fact that we have a vacancy now that is funded by the mortgage tax that has not been filled.

**LEG. MONTANO:**

So, what I'm understanding, just to be clear, is that you're anticipating problems, that was the basis upon which you changed the format of the resolution from last year to this year, but you don't have a particular problem at the moment --

**MR. ROMAINÉ:**

I have a particular at the moment.

**LEG. MONTANO:**

And what is that particular problem?

**MR. ROMAINÉ:**

A vacancy that is funded by the mortgage tax is not filled, despite a SCIN form being up at the County Executive.

**LEG. MONTANO:**

When you say you have a particular problem now, just give me a little more. You have a SCIN form at the County Executive's Office. How much money are we talking about?

**MR. ROMAINÉ:**

I don't have that number off the top of my head, but, obviously, in the scheme of things, it's not a large number, but nevertheless, it is a felony in this state to file a false instrument. And while I'm sure the State understands it takes a period of time to fill vacancies, I believe there's a feeling in the Executive's Office that there's a desire not to fill any of these vacancies and just take the money, and that's why I wanted to clarify that in the resolution.

**LEG. MONTANO:**

My only concern, Mr. Romaine, is that it seems as if we're talking about problems that are anticipated and more a perception of what may come down the road, as opposed to an actual problem that presents itself. And, you know, you throw the term around, with all due respect, you throw the term around "felonies" and "violating the law", and I'm not quite sure that we're

at that point with this veto message. I mean, that's the perception that I'm getting, and I don't want to see this escalate into accusations back and forth.

**MR. ROMAINÉ:**

I'm not prepared -- in fact, I was prepared to support the County Executive's CN if he would enter into a Memorandum of Agreement that mortgage tax positions, as they become vacant, would be filled in a somewhat timely manner, you know, three, four, five weeks, but, in fact, that has not been forthcoming to me.

**LEG. MONTANO:**

Well, the -- I'm sorry, I don't want to interrupt you.

**MR. ROMAINÉ:**

I'm finished.

**LEG. MONTANO:**

Outside of this Memorandum of -- outside of this Memorandum of Understanding that you have requested, you indicated earlier that you would be willing to take legal recourse, should you feel it was necessary; is that correct?

**MR. ROMAINÉ:**

Yes.

**LEG. MONTANO:**

And what I'm assuming is, not having been here last year, is that you don't have a basis for legal action at this moment, but you anticipate something down the road.

**MR. ROMAINÉ:**

It is always my intention to work with the current administration. One of the reasons -- I didn't have to do anything, but one of the reasons that this legislation is before you is because I attempted to increase the amount of mortgage tax reimbursement the County would get from about 1.3 to almost 1.7 to provide additional revenues, because I know this administration, this County could use those revenues at this time.

**LEG. MONTANO:**

Let me ask you this, last question. Does the County Executive still have an opportunity to act on your request without being in so-called violation of any of the existing laws that you've cited? I mean, are we past a certain point in time where there's a problem, or he still has the opportunity to move forward on this?

**MR. ROMAIN:**

There's always opportunities, there's always opportunities, but I think the best opportunity is to pass the veto override, and then it's very clear that it -- that the resolution would state, simply would repeat what New York State Law says, that this money is not for general purposes, this money is not for unspecified purposes, this money is to reimburse the County Clerk for legitimate purposes. And when I put together these lists, I fully expect to be audited by the State Comptroller and other State agencies to ensure that these expenditures are legitimate, and that we are reimbursed and we don't ask for more than that -- what is legitimate. But to take the money and to spend it or send it to the General Fund and not to reimburse the County Clerk for legitimate expenditures, then we would have a problem.

**LEG. MONTANO:**

All right. I said it was my last question, this is my last question. Would it not be better to cross that bridge when we get to it and allow this process to go through? Because, in essence, what I'm hearing is that the resolution that was approved last year, the year before, and the year before that, I don't know how far back, did not seem to create the kind of problem that you're anticipating in this -- with this administration?

**MR. ROMAIN:**

We had an understanding with County Executive Gaffney that we did not have this problem. We did have -- I did have this problem with County Executive Halpin, and only the threat of legal action brought the filling of those positions.

**LEG. MONTANO:**

Which you still have, you still have the threat of legal action.

**MR. ROMAIN:**

Right, which I don't want to get to that point. And that's why I feel this resolution would prevent that from us getting. I would like to continue to cooperate with this current administration. I'm not looking for an argument. I was willing to support the County Executive's CN without even



seeing it, if he would just enter into a Memorandum of Understanding with me that mortgage tax positions would be filled in a somewhat timely fashion.

Again, SCIN forms cannot be used to impound the budget. The only ones that can impound or alter the budget is the Legislature in cooperation with the County Executive.

**LEG. MONTANO:**

Promise, last question. If this veto is sustained, will you support the resolution that's introduced with the C of N form the County Executive?

**MR. ROMAIN:**

No.

**LEG. MONTANO:**

Thank you.

**P.O. CARACAPPA:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

My questions were asked, Mr. Chair.

**P.O. CARACAPPA:**

Legislator Lindsay.

**LEG. LINDSAY:**

Mr. Romaine, I am a little bit impatient with this whole process here, and I would encourage the County Executive's representatives in the audience and Mr. Romaine to get together and see if we can resolve this issue.

We're going to vote on a package tonight somewhere around 90 to 100 million dollars trying to offset a huge, huge deficit next year, and here we are in an argument over 1.6 million dollars that somebody wants to give us. And I'm getting a little bit short. It seems to me that this problem can be resolved with a little dialogue and I would like that dialogue to take place.

**MR. ROMAINÉ:**

I offered that opportunity, Legislator Lindsay, just to respond, by willing to support whatever the County Executive, as long as there's a Memorandum of Understanding, that mortgage tax positions that are funded through mortgage tax will be -- will be, you know, filled in a somewhat timely fashion.

**LEG. CARACCILO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Mystal, then Legislator Caracciolo.

**LEG. MYSTAL:**

Mr. Romaine, could I characterize this tiff as mainly a distrust from maybe your department in terms of what the County Executive will do with that money, since you have done -- since we have passed this resolution in the past without that resolved clause?

**MR. ROMAINÉ:**

And you -- right.

**LEG. MYSTAL:**

And you say you've worked under County Executive Gaffney for 12 years without it. Is this kind of a political distrust that you are trying to shield yourself from, is that what it is?

**MR. ROMAINÉ:**

Well, I wouldn't say it was a political distrust, I would say it was an attempt to clarify the resolution that was submitted, so that there would be no question about that, because, under the Halpin administration, there was an attempt to take these funds and not fill the positions, which created a lot of problems, and when the -- we had some dialogue with the State, those problem were clarified. I wanted to prevent that, because I don't want to get into an argument with this administration, and I felt the best way to do that was to clarify that this money, in accordance with Article 11, Section 262 of New York State Tax Law, would be used to reimburse the County Clerk's legitimate expenditures.

**LEG. MYSTAL:**

And you said that you would not support the CN that the County Executive will --

**MR. ROMAINÉ:**

I haven't even been privy to the CN, nor has that been shared with me, nor have I been consulted on that, so I have an idea of the wording of that.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Thank you. Thank you, Mr. Chairman. I would also note for the record that this resolution was unanimously adopted by the Legislature, with two members not present and one vacancy, by a vote of 15-0-0-2. I would hope, based on the clear justification that the Clerk has presented tonight, that, as Legislator Lindsay had pointed out, cooler minds prevail, dialogue take place, and resolve this issue immediately. Thank you.

**P.O. CARACAPPA:**

Any other questions? Thank you, Mr. Romaine.

**MR. ROMAINÉ:**

Thank you for your attention. I would ask only one other thing, that Resolution 1106 be tabled. It's one of our resolutions. We want to appear in front of the Steering Committee and present more information, and we think it would be better, appropriately dealt with at the April meeting. And, finally, if any of you find some free time tonight, please, stop by my office.

**P.O. CARACAPPA:**

Thank you, Mr. Romaine. Mr. Johnson.

**MR. JOHNSON:**

Yes, sir.

**P.O. CARACAPPA:**

Who do you have questions for, Legislator -- well, let Mr. Johnson proceed first and then we'll get to question.

**MR. JOHNSON:**

Well, I think when we left off, we were enjoying discussions about --

**LEG. LINDSAY:**

Speak into the mike.

**LEG. LOSQUADRO:**

Speak into the microphone.

**LEG. FOLEY:**

Todd, use the mike.

**LEG. LINDSAY:**

I can't hear.

**MR. JOHNSON:**

I think, when we left off, we were enjoying some discussions about some of the resolutions that were before us this evening. I do have, as I said before, a couple of departments that are here to speak. I'd like to -- the representatives from the Health Department, Economic Development, and Parks, I believe, who are here to speak on some resolutions, and I'd like to know if you would allow them to come forth and speak on a couple of resolutions?

**LEG. BINDER:**

Mr. Chairman.

**P.O. CARACAPPA:**

Yes.

**LEG. BINDER:**

Before he does his -- if I could just ask a question.

**P.O. CARACAPPA:**

Legislator Binder has a question of you, Mr. Johnson.

**LEG. BINDER:**

Could you tell me why the administration hasn't filled a position in the Clerk's Office to date that is funded by the mortgage tax and that we're required to use that money for? I mean, that's --

**MR. JOHNSON:**

Well --

**LEG. BINDER:**

That's a big question, because, I mean, I would think that you know that you'd be putting him -- I say you in general would be putting him in legal jeopardy by having a vacancy and a position that's funded by money that isn't ours.

**MR. JOHNSON:**

Well, let me just first say, my understanding of this resolution is that it is to seek reimbursement for expenses incurred in 2003, and that would in that case cover positions which were filled in 2003. This resolution has nothing to do with current vacancies. Okay? What it does relate to is the fact that, as we move out through this year, future reimbursements, which will be submitted in 2005, as would be our practice, would concern the amount of positions filled in 2004. So, next year, any vacancies that are left and positions that are unfilled would be an issue. This year and for this resolution at this time, it should not be an issue.

**LEG. BINDER:**

Right. I still asked the question, we have vacant --

**MR. JOHNSON:**

You asked me about putting him at jeopardy, and what I'm saying is that this resolution does nothing to put anybody at jeopardy.

**LEG. BINDER:**

I understand, but it's about the filling of a vacancy where mortgage tax is dedicated to pay for the specific position. And so their mortgage tax is coming in to pay for positions. Why wouldn't we fill those positions, since they're covered by a specific tax? I mean, I guess that's a concern. It doesn't seem like much of a request to ask for an understanding that positions that are reimbursed by something that's not going to -- it's not going to cost us, it doesn't seem like a difficult thing for you to agree, say within three weeks, we should be able to get -- move those

SCIN forms along. They're not like positions where there -- we have to tax for them and have appropriation lines and --

**MR. JOHNSON:**

Right.

**LEG. BINDER:**

So, it doesn't seem -- what I'm getting towards is it doesn't seem like you're really that far a part. It doesn't seem like the Clerk is asking for that much for you guys to get to a point, by the time we're ready to act, that you can be together and that we could make sure we save 1.6 or 1.7 million dollars. I think you can do that, I'm hoping.

**MR. JOHNSON:**

I think you're 100% correct, that as the year moves forward, we're only in March of this year, and the County Executive and the departments plan on budgetary expenses and the filling of positions. As you know, SCIN forms and the filling of positions is something that goes through the County Executive's Office. This discussion will occur, this is certainly not the end of the issue. And the idea of how the mortgage reimbursement area is going to be filled throughout the course of the year has hardly been decided yet.

**LEG. BINDER:**

Okay. So, then I take it that you don't want to work it out, you don't -- I'm just hoping that you do work it out. I guess Legislator Lindsay had expressed his desire that you guys work it out. It doesn't seem like you're that far apart, and we'd like to see us --

**MR. JOHNSON:**

I agree with you and I agree with --

**LEG. BINDER:**

-- save the 1.7 million dollars.

**MR. JOHNSON:**

-- with Legislator Lindsay. I just want to make sure we distinguish between what this resolution does and a dialogue that needs to take place as the year goes on.

**LEG. LINDSAY:**

Start the dialogue.

**P.O. CARACAPPA:**

Any other questions?

**MR. JOHNSON:**

I agree.

**P.O. CARACAPPA:**

Okay. What's next, Mr. Johnson?

**MR. JOHNSON:**

I have representatives from the Health Department, I believe Dr. Scott Campbell and Dr. Dillon, who are here to speak on a couple of resolutions.

**P.O. CARACAPPA:**

Okay. Just bring them forward. Doctors, how are you?

**DR. DILLON:**

We're fine. I'm Dr. Dillon. I'm Director of Epidemiology and Disease Control at Suffolk County Department of Public Health, and this is Dr. Scott Campbell. He's in charge of our arthropod borne disease laboratory. And we would like to come and speak on support of Resolution 1202, which is to fund the Stony Brook Laboratory for testing of mosquito borne disease.

The reason we're asking for this funding is because, right now, we have an extensive turnaround time with the State laboratory. We send specimens to the State, usually that require some air handling time, and then we do get the results of the specimen at some point later.

As you recall, this past Fall we received results of positive Eastern Equine Encephalitis four weeks after we had collected the specimens. That really precluded us from protecting the public. It left us in a bind, where we actually had to recommend closing of County parks in the Montauk area in order to protect the population from this disease.

There's two diseases that this would be testing for. The first one would be the West Nile Virus, which everyone is fairly familiar with. The second is Eastern Equine Encephalitis, which has a higher mortality rate, particularly for children. Mortality rate among most adults would be 35%, for children, it can go up to 90%.

**D.P.O. CARPENTER:**

Dr. Campbell, did you have something you wanted to add?

**DR. CAMPBELL:**

No.

**D.P.O. CARPENTER:**

Are there any questions?

**LEG. FOLEY:**

Yes.

**D.P.O. CARPENTER:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Madam Chair. The funding for this is from what, pay-as-you-go?

**LEG. CARACCILO:**

Yes.

**LEG. FOLEY:**

This year? Okay, pay-as-you-go. Let me just ask this question of the Department. It to request -- this has been an issue for a number -- not just this past year, but for several years, we, who are members of the Health Committee, have been asking about a way of not having to take these tests Upstate, New York, have something Downstate. Why is -- if the two hundred and some-odd thousand is -- as a per anum cost that the Stony Brook University Hospital charge the County; is that true?



**DR. DILLON:**

Yes, that's my understanding.

**LEG. FOLEY:**

What reasons do they give for requesting such an expensive charge? I mean, for instance, we -- in many, many ways, we -- as you well know, we are the local agent for the State Health Department and do a number of -- a number of -- you know, administer a number of their laws for them. Why do they need such a large amount of money to do these tests?

**DR. DILLON:**

You're asking very good questions. I'm going to let Dr. Campbell explain that, because he needs to go in detail as to what a Biohazard Level 3 is, and that will actually answer part of your question.

**DR. CAMPBELL:**

Testing is very costly, both in personnel, training and supplies. They're going to be doing tissue culture, which is very costly.

**LEG. FOLEY:**

Is it any -- I don't mean to interrupt, but is it any different than a test that now -- where are the tests being done currently?

**DR. CAMPBELL:**

Currently, they're being done in Albany --

**LEG. FOLEY:**

All right.

**DR. CAMPBELL:**

-- by the State Health Department.

**LEG. FOLEY:**

All right. Now, are we asking for the same kind of test to be done in Stony Brook as is done in Albany?

**DR. CAMPBELL:**

In Albany, they're doing different kind of testing. The golden standard is tissue culture.

**LEG. FOLEY:**

I understand that.

**DR. CAMPBELL:**

They did tissue culture before. Currently, they're doing --

**LEG. FOLEY:**

Does Albany -- does Albany charge us for the test?

**DR. CAMPBELL:**

There's no charge from Albany.

**LEG. FOLEY:**

There's no -- and that's a State lab; correct?

**DR. CAMPBELL:**

Correct.

**LEG. FOLEY:**

All right. And a State University is -- well, State University Hospital. Why would they be charging -- let me just ask the question and you can answer. Why would they be charging us for the test if, in fact, the Upstate lab is not charging us for a test?

**DR. CAMPBELL:**

Upstate lab is New York State Department of Health. Stony Brook is actually the center for molecular science there, so it's -- you know, they wouldn't -- they're not associated with the State Health Department, so they wouldn't be obligated to do that.

**LEG. FOLEY:**

And do they have to hire -- is there a breakdown as to how the money would be used? Are there personnel they need to hire or equipment they need to purchase?

**DR. CAMPBELL:**

There was a breakdown and it did include personnel, as well as supplies and equipment.

**LEG. FOLEY:**

Continue.

**DR. CAMPBELL:**

I'm sorry?

**LEG. FOLEY:**

Continue. You're going to give us an idea of what kind of different tests that you're asking for here, as opposed to what --

**DR. CAMPBELL:**

Oh. In the State Health Department, they do something called {Tackman} PCR, polymers chain reaction, which is a molecular test looking for the RNA that is contained in the virus. That is what the State Health Department does. They follow that up. If they find a positive, they follow it up with tissue culture. My understanding is that the -- Stony Brook will just do the tissue culture.

**LEG. FOLEY:**

Okay. What's the advantage of that?

**DR. CAMPBELL:**

Advantage of the tissue culture?

**LEG. FOLEY:**

Yeah, going right to that, as opposed to the other methodology.

**DR. CAMPBELL:**

The tissue culture, the advantage of that is if the virus is virulent, it will attack the cell culture that is -- the mosquitoes are placed in, and, you know, there's lysis --

**LEG. FOLEY:**

That's why it's a gold standard? Is that why it's a gold --

**DR. CAMPBELL:**

That's why it's the gold standard.

**LEG. FOLEY:**

All right. Is there any offset by the State, or are we picking up the full cost of this? For instance, if the equipment -- and I can understand the goal of Legislator O'Leary and the Health Department, it's something that we had been trying to work on for years, in prior years, the problem was what I had considered at the time, when I was Chair of the Health Committee, the exorbitant fee that Stony Brook University Hospital was going to charge here. If equipment is going to be purchased, personnel are going to be there, can't that equipment and personnel be used by other municipalities besides our own? But we will be -- it would be our monies that would be used to purchase the equipment and to fund the personnel; is that not correct?

**DR. DILLON:**

It's my --

**LEG. FOLEY:**

Could we have some -- could we have some attention, Madam Chair, on this?

**D.P.O. CARPENTER:**

Certainly. You heard Legislator Foley's request.

**LEG. FOLEY:**

Thank you.

**D.P.O. CARPENTER:**

Could we please give him attention?

**LEG. FOLEY:**

Thank you. Well, give -- if not so much myself, then, certainly, those members of the Health Department. Go ahead.

**DR. DILLON:**

It's my understanding that this is a contract, and this is a one-year contract. So, the equipment

they purchase, or whatever they do with the revenues that they generate from this contract will not belong to the County. The advantage of this would be the turnaround time. As you saw last Fall, we had a one-month turnaround time for that serious virus. We're expecting a seven-day turnaround time with the local Stony Brook program.

**LEG. O'LEARY:**

Madam Chair.

**D.P.O. CARPENTER:**

Thank you.

**LEG. FOLEY:**

Thank you.

**D.P.O. CARPENTER:**

Legislator Lindsay, followed by Legislator Mystal.

**LEG. LINDSAY:**

Just one technical question, and then I want to talk about the resolution itself. The arrangement that you are making with Stony Brook, if this resolution is passed, could also be used to test other potential diseases besides West Nile; am I correct?

**LEG. FOLEY:**

No. No, we're not.

**LEG. LINDSAY:**

No?

**DR. CAMPBELL:**

The resolution is targeted towards West Nile and Eastern Equine Encephalitis. The only --

**LEG. VILORIA-FISHER:**

Dr. Campbell.

**DR. CAMPBELL:**

Well, there are a couple of other --

**LEG. VILORIA-FISHER:**

Dr. Campbell, can you hold the microphone closer?

**DR. CAMPBELL:**

Yes.

**LEG. VILORIA-FISHER:**

I can't hear you.

**DR. CAMPBELL:**

Sorry.

**LEG. VILORIA-FISHER:**

Thank you.

**DR. CAMPBELL:**

There are other diseases that may be found, like malaria, but that's a totally different analysis. So, whether they would be able to do something like that, we haven't really discussed it, because our aim really is for West Nile Virus, as well as Eastern Equine Encephalitis Virus.

**LEG. LINDSAY:**

So, it doesn't increase our ability, if we had a bioterrorist incident, or something like that? I know a couple of years back after 9/11, we had a number of false anthrax calls, and we had a great deal of difficulty getting the material tested at that time. Will this enhance that ability at all?

**DR. DILLON:**

This was really going to only test for mosquito borne viruses.

**LEG. LINDSAY:**

Okay.

**DR. DILLON:**

In bioterrorism preparedness, it's a very inefficient way to terrorize a community would be to use any agent that's carried by a mosquito, so it probably with not be helpful in that venue.

**LEG. LINDSAY:**

So, it's just limited to West Nile.

**DR. DILLON:**

Yes.

**LEG. LINDSAY:**

I would like to point out to the both of you that there is a defect in the resolution that we're looking at tonight and that's in the offset. The offset is pay-as-you-go money, and in the budget amendments that we're going to discuss tonight, where, you know, if they pass, will just about deplete those funds, so it could be oversubscribed. So, we might have to go back to the drawing board and look for another offset.

Thank you.

**D.P.O. CARPENTER:**

Thank you, Legislator Lindsay. Legislator Mystal.

**LEG. MYSTAL:**

I think Legislator Lindsay asked my question. That was my question.

**D.P.O. CARPENTER:**

Thank you. Next, Legislator O'Leary.

**LEG. O'LEARY:**

Yes. With respect to the offset, Legislator Lindsay, I believe the pay-as-you-go has been decreased by 500,000.

**LEG. LINDSAY:**

We only have 500,000.

**LEG. O'LEARY:**

Yes, that's correct, you will have 500,000 pay-as-you-go. But the point I wanted to make with respect to this resolution is, as

Dr. Dillon just stated, it's the turnaround time that's key here. And my understanding is that the initial outlay of two hundred and some-odd thousand dollars is for the purchase of equipment and stuff. And is this going to be an annual fee, or it -- there's more money that's necessary for purposes of establishing or setting up the necessary equipment, whatever, at Stony Brook for testing?

**DR. DILLON:**

My understanding is that this is an annual contract.

**LEG. O'LEARY:**

That's the fee for -- an annual basis?

**DR. DILLON:**

We have not discussed anything beyond one year.

**LEG. O'LEARY:**

Oh, so that's negotiable?

**DR. DILLON:**

Yes.

**LEG. O'LEARY:**

Okay. And one other point I think is noteworthy is that, currently, the process is that we're competing, if you will, for lack of any other descriptive phrase, with 60 other counties, and the turnaround time on this particular matter is critical.

**DR. DILLON:**

Yes, that is the case. We do compete with every other county in New York State, and as West Nile has been moving northward towards other counties, the communities are becoming aware of that, and there is more mosquito testing, and the competition, we expect, likely will increase each year.

**LEG. O'LEARY:**



Okay. I have a question of Legislator Crecca with respect to the pay-as-you-go. Legislator Crecca.

**D.P.O. CARPENTER:**

Legislator Crecca.

**LEG. O'LEARY:**

I have a question of you regarding the pay-as-you-go monies. My understanding is 500,000 has been left in the pay-as-you-go.

**LEG. CRECCA:**

Yes. Well, first of all, that's assuming 1228 is passed tonight.  
There'll --

**LEG. O'LEARY:**

1228 is passed.

**LEG. CRECCA:**

There'll still be 500,000 left --

**LEG. O'LEARY:**

Okay.

**LEG. CRECCA:**

-- inside that account.

**LEG. O'LEARY:**

All right. Thank you.

**D.P.O. CARPENTER:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Is there any cost at the present time in transporting specimens to Albany? I understood your

response before, that Albany doesn't charge us for the actual lab work, but is there any cost involved in sending the specimens?

**DR. CAMPBELL:**

The cost we incur currently are for shipping, you know, preparing the shipment and mailing them overnight on dry ice. So, there is a cost, I couldn't really tell you exactly what that is, but -

**LEG. LOSQUADRO:**

Probably not cheap.

**DR. CAMPBELL:**

I'm sorry?

**LEG. VILORIA-FISHER:**

You have no round figure for what we spend in one year?

**DR. CAMPBELL:**

I mean, just -- oh.

**LEG. VILORIA-FISHER:**

And is there personnel involved in preparing the shipping?

**DR. CAMPBELL:**

Oh, yeah. Oh, no, no. It's actually a pretty laborious effort to put that together. I mean, it takes about a day to get all the tubes counted, catalogued, put on dry ice, and mailed overnight, so --

**LEG. VILORIA-FISHER:**

Okay.

**DR. CAMPBELL:**

-- it is pretty extensive.

**LEG. VILORIA-FISHER:**

Is Legislator Foley in --

**LEG. FOLEY:**

Right here.

**LEG. VILORIA-FISHER:**

Legislator Foley, this is an important point, because, right now, there is a cost incurred in preparing the specimen for shipment -- for shipping, and it involves some preparation of the specimen, which is, you said, a very labor intensive activity.

**DR. CAMPBELL:**

It takes us, depending on how much we ship, one to two days to get it together to ship overnight.

**LEG. VILORIA-FISHER:**

Yes.

**DR. DILLON:**

There is also an indirect cost. Currently, we will look at mosquitoes where we see an increase in population in an area. We will take those mosquitoes and send them for testing. And if we knew we have a negative test, there's no West Nile Virus in that mosquito population, in that area that we're looking, we would then take our resources and put them somewhere else. But we now have such a delay, that we continue to target and look at areas that perhaps do not have any virus activity.

**LEG. VILORIA-FISHER:**

So, what you're saying is that this also impacts the use of adulticides perhaps in an area that there may be a lot of mosquito pooling? If you were able to test that and have a quick turnaround and know that it's not -- there's no West Nile there, there may not be an application of adulticides there?

**DR. DILLON:**

More than getting into the adulticide issue, it's -- right now, we look at where do we target mosquito pools to look for West Nile activity. If we have an answer that's negative, then we can ignore that area, move on to --

**LEG. VILORIA-FISHER:**

You move the resources elsewhere, okay.

**DR. DILLON:**

-- another area, yes.

**LEG. VILORIA-FISHER:**

Okay. So there are direct costs and there are indirect costs that we are now incurring by not have having the ability. And, of course, we have the intangible, or not in tangible, perhaps we could look at the ramifications that might come from this, which is the health issues of not knowing that we have a positive specimen in a particular area --

**DR. DILLON:**

Yes, that's true.

**LEG. VILORIA-FISHER:**

-- in a timely manner.

**DR. DILLON:**

We also have one other cost, and that is when we do find West Nile or, in this case, Eastern Equine activity, we recommend that public parks be closed during dawn to dusk hours. That's when the mosquitoes that bite both humans and birds are out. We cannot turn around and recommend that those parks be reopened until we've had a series of negative specimens --

**LEG. VILORIA-FISHER:**

Okay.

**DR. DILLON:**

-- and we can't do that with the turnaround time in a rapid fashion.

**LEG. VILORIA-FISHER:**

Okay. So, that's a very important point, keeping parks closed longer than they have to be, because we don't have the right information. Thank you very much.

**D.P.O. CARPENTER:**

Are there any other questions? Thank you very much. We have two more officials that are coming up, Carolyn Fahey from the Office of Economic Development, and she'll be followed by a representative from the County Attorney's Office. I would just ask Legislators if they would, please, report to the horseshoe.

**MS. FAHEY:**

Good evening. I'm here to talk to you about I.R. 1198, which amends the adopted 2004 Operating Budget and transfers funds into the downtown revitalization program. It's noted as a technical correction in the resolution.

What this resolution does is it takes grants that were funded in the Department's operating budget, takes them out of our operating budget and operating cycle and puts them into the Downtown Revitalization Program, and it creates a conflicts with the reason why the program was created and the intent of the downtown program. The Downtown Revitalization Program, as some of you might recall, was created as a competitive type grant program.

**D.P.O. CARPENTER:**

Carolyn, I would just ask you to, please, pause for a moment. I just want to ask all Legislators, because I know this is of great interest to many Legislators and that's the Downtown Revitalization Program. So, I just ask Legislators to, please, come to the horseshoe. All right, go ahead. I'm sorry.

**MS. FAHEY:**

This is Legislator Alden's resolution, so you might want to --

**LEG. BISHOP:**

What is this on?

**D.P.O. CARPENTER:**

It's on the Downtown Revitalization Program.

**D.P.O. CARPENTER:**

All right. Carolyn, why don't you go ahead, because I know the speakers are on in the back --

**MS. FAHEY:**

Okay.

**D.P.O. CARPENTER:**

And it's a little quieter now, so they should hear you.

**MS. FAHEY:**

This I.R. was discussed in the Budget Committee, but the date of the Budget Committee got changed this cycle, and I was in conflict and I didn't know it was happening until after it happened, so I wasn't able to discuss this at the Budget Committee meeting.

The Downtown Revitalization Program was created to be a competitive type program among not-for-profits that required not only a want to for this money, but it would require them to have a vision plan. It required them to have a supporting resolution from the local municipality accepting this project.

The department had created criteria to curtail the knee jerk reaction of some of the committee -- organizations to want some of this money. It was created to be a competitive program that was to be reviewed by the Downtown Revitalization Citizens Advisory Panel, who then made grant recommendations to the Legislature for your consideration and your review. What this resolution does is it circumvents all of that. And I don't -- I'm sure that's not what the intent was, but what this resolution does is it takes omnibus line funding out of the Operating Budget and puts it into the downtown program, into a program that's created to be a competitive type program. It doesn't require for this contract the criteria that was required for all the other contracts out of the Downtown Revitalization Program. It did not require supporting resolutions from the municipalities, or a vision plan showing that these projects were a long-term one for this community. And, you know, again, I don't believe that's what the intent was, was to circumvent the Downtown Revitalization Program, but I think it opens a door that then creates issues with this program with regards to timing, criteria that's been set out. And I ask that, maybe, if you want to take this funding, leave it in the Operating Budget, and then maybe do the technical correction from -- I think the intent was not to give the money directly to the not-for-profits, but to give it to the town to run these various programs. That's fine, that's the Legislators' prerogative. I'm just concerned about what it does to the existing program and how it shows a conflicting way of funding through this program.

**D.P.O. CARPENTER:**

Any questions?

**LEG. ALDEN:**

It just shows an additional --

**D.P.O. CARPENTER:**

Legislator Alden.

**LEG. ALDEN:**

It just shows an additional commitment on the part of this Legislative body to downtown revitalization. Not only are we going to do it in the one program, but we're going to do it in the other program. And, as you pointed out, that money does go through the Town Planning Department, so the criteria would be exactly the same as it would under the Downtown Revitalization Funds that are in place. So, I don't see any problem with any of the concerns that you've raised, because there really is none. This is just in addition to the normal process of the Downtown Revitalization.

**MS. FAHEY:**

It's a different mechanism. There's no --

**LEG. ALDEN:**

No, it's a different funding source. And I hear what --

**MS. FAHEY:**

It's a different funding source.

**LEG. ALDEN:**

Right.

**MS. FAHEY:**

But there's no resolution required from the local municipalities, there was no vision plan, it wasn't reviewed by the -- it didn't follow the criteria that was set out for the Downtown Revitalization Plan and how all the other grants were funded.

**LEG. ALDEN:**

It's going through -- it's going through the same process.

**MS. FAHEY:**

It didn't go through the Citizen's Advisory --

**LEG. ALDEN:**

Right, because there's no competitive process on this, this is additional money. That's the one step that you're leaving out. This is not competitive, this is additional money to be added to the program.

**LEG. CRECCA:**

It's a Legislative determination.

**LEG. ALDEN:**

Yeah, it's a Legislative determination, and, actually, it's a Legislative program.

**MS. FAHEY:**

You know, that's your prerogative. My concern is that --

**D.P.O. CARPENTER:**

Okay.

**LEG. ALDEN:**

That's okay.

**D.P.O. CARPENTER:**

If you could, I don't think we're going to have a debate.

**MS. FAHEY:**

Okay.

**D.P.O. CARPENTER:**

So, we have other speakers. Legislator Lindsay, please.



**LEG. LINDSAY:**

Yeah. Really, to the sponsor, is this -- is this money that was in the omnibus that you're -- that you're putting in a different fund, or is this money that you're trying to take -- and, in other words, kind of what I would not want to see is every one of us trying to get another \$75,000 for our downtowns.

**LEG. ALDEN:**

This was in the omnibus.

**LEG. LINDSAY:**

It was in the omnibus.

**LEG. ALDEN:**

Absolutely.

**D.P.O. CARPENTER:**

Thank you. Legislator Montano.

**LEG. MONTANO:**

I would just ask that you clarify me -- clarify for me, because on the agenda item, it talks about a technical correction, and I'm not quite sure I understand, in looking at the resolution, what the technical correction is, because what I'm hearing from you, and please correct me if I'm wrong, is that this is -- this is sort of a funding mechanism for these agencies where they have not gone through -- these agencies have not gone through the same process as similar agencies. And it's sort of as if it gives the appearance that it's somehow a -- I wouldn't use the word to circumvent, but, basically, to put these groups in a different category in terms of being able to receive these monies. Am I making myself clear on that?

**MS. FAHEY:**

There's a different process on how the groups were chosen. The technical correction issue is a question for your Counsel. I can -- you know, the Counsel had created the resolution. I'm not sure exactly what the technical correction is. What --

**LEG. MONTANO:**

Do you see it as a technical correction?

**MS. FAHEY:**

I see a budget switch.

**LEG. MONTANO:**

Okay.

**MS. FAHEY:**

And that was between the sponsoring Legislator and Counsel as to what they consider a technical.

**D.P.O. CARPENTER:**

Okay.

**LEG. MONTANO:**

All right. Thank you.

**D.P.O. CARPENTER:**

Thank you very much. One more presentation.

**LEG. LINDSAY:**

Before -- just one quick comment.

**D.P.O. CARPENTER:**

I'm sorry, go ahead.

**LEG. LINDSAY:**

One quick comment.

**D.P.O. CARPENTER:**

Comment, or do you have a question for the speaker?

**LEG. LINDSAY:**

Well --

**D.P.O. CARPENTER:**

A comment for the speaker.

**LEG. LINDSAY:**

Yeah.

**D.P.O. CARPENTER:**

Go ahead.

**LEG. LINDSAY:**

An observation, that -- and I don't know what the thought of the sponsor was, but is this a reaction to some of the money that was put in the omnibus, us having a hard time getting it released to the groups that we wanted?

**LEG. ALDEN:**

No. Basically, some of the groups, I had the wrong names, and so I wanted to go through the Town of Islip planning process, the same way it does for Downtown Revitalization, but I had a couple of the groups, one of them I had it flipped, as far as the name, and another one, I had, you know, like the old name and they had a new name. So, that's kind of all it was.

**LEG. LINDSAY:**

Okay.

**LEG. CARPENTER:**

Okay. Thank you very much. Next, if we could, the representative from the County Attorney's Office, Lynne Bizzarro, please come back up.

**MR. JOHNSON:**

Yeah. I just wanted to say before Lynne comes up that I had mentioned, at least I had thought I had mentioned that Ron Foley from the -- Parks Commissioner wanted to speak. That was all I had. I didn't mention the County Attorney, I think you had some questions for the County Attorney.

**LEG. CARPENTER:**

Okay. It's not on the list that we have here, but we'll certainly add Mr. Foley to the list.

**MR. JOHNSON:**

I apologize for that.

**D.P.O. CARPENTER:**

Ms. Bizzarro.

**LEG. CRECCA:**

Yes. Thank you.

**MS. BIZZARRO:**

Am I responding?

**LEG. CRECCA:**

No. Actually, I think, when you had left off, we were talking about some of the contract agencies and the concerns.

**MS. BIZZARRO:**

Yes. And I believe Legislator Nowick had finished off, right.

**LEG. CRECCA:**

Right. And I was on the list, and so I just wanted to be able to ask some questions also.

**MS. BIZZARRO:**

Sure. Can you just give me one second?

**LEG. CRECCA:**

Sure.

**MS. BIZZARRO:**

Just let me grab it. I can't find it anyway. Sorry, I can't find it. That's fine. Go ahead.

**LEG. CRECCA:**

I just want to be clear as to what the County Executive's position is regarding these contract agencies or not-for-profit agencies that were funded, that are being -- that can be funded and can't be funded. So like, for example, can a Little League be funded?

**MS. BIZZARRO:**

A private Little League can be funded, yes.

**LEG. CRECCA:**

Okay.

**MS. BIZZARRO:**

That is -- in all likelihood, it's a not-for-profit agency, correct.

**LEG. CRECCA:**

And what about a, say, a school PTA?

**MS. BIZZARRO:**

Assuming that it's a separate organization, which I believe most PTA's are, and they are nonprofit and they file their 501C's, that probably would be fine.

**LEG. CRECCA:**

Now, can they use the money, say, for like a prom or a prom committee, or something like that?

**MS. BIZZARRO:**

That's where it starts to become problematic. If it's a prom and something that is offered by the school district itself, you're really using monies to supplement a district program, basically. And, I mean, basically, County Law authorizes what the County can do, doesn't specifically say what it can't do, but it only can do what is prescribed by law and by statute. So there's a long list, I believe it's Section 224 of the County Law, that indicates what it can do. I believe the Education Law cites to some particular educational services that can be provided by the County.

**LEG. CRECCA:**

Now, the -- but those laws, those are the same laws that have been in existence, at least since I've been a Legislator and before. I mean, I'm saying --

**MS. BIZZARRO:**

Yes.

**LEG. CRECCA:**

-- you know, for the least ten years, say, or so.

**MS. BIZZARRO:**

Probably. I haven't looked at the, you know, date they were enacted, but I'd say perhaps they've been amended.

**LEG. CRECCA:**

What about funding for American Legion posts, because I know there are a number of --

**MS. BIZZARRO:**

Is that a private entity? I just don't know offhand. If it's a private entity and it's a non-for-profit private entity, I see no problem with the actual organization. Then you would look -- I mean, you look at two parts to it. Is the organization qualified, and then what does it want to do with the money? So you have two, two things to look at.

**LEG. CRECCA:**

I guess my point in some of these are is that there seems to be this new policy change with the Levy Administration as to what type of groups can be funded or what types of services can be funded. And I'm looking through resolutions, and, unfortunately, because I didn't expect this to come up tonight, I was only able to pull one year. But I'm looking at 1999 and I have the three resolutions, and I'm looking at organizations like the Sayville Middle School PTA Pre-Prom Committee and which was received funding through a bill that Steve voted for and, obviously, that was one of Steve's agencies, Steve Levy's agencies, that we funded. And I guess my -- what I question is, if the laws haven't changed since 1999, and I have a list of dozens of organizations from Steve's district, when he was a Legislator, not unlike many of our own, if the law hasn't changed, I would expect some sort of explanation of how these government actions that we took in the past, which Mr. Levy voted for in these cases, and I have the dates here, I'd be happy to share them with you, have somehow changed now, you know, under this circumstance. And, you know, it was --

**MS. BIZZARRO:**

Unfortunately, Mr. Crecca, I'm new at this. I'm new and I don't know what was done in the past. I --

--

**LEG. CRECCA:**

And I understand you're new and I just -- but this is the first many of us are hearing of this. We're hearing it at the horseshoe at a public meeting, which is fine, where we should hear it. And so, as much as you're new at this, you know, if there are problems or things being questioned like this, they should be addressed and we should deal with them, but we should also be consistent with what we have done and what we're doing.

**MS. BIZZARRO:**

I agree. I mean, the -- I know it's on today for a vote, but I've been dealing with Linda Bay on the issue for several weeks now, if not more. We had meetings over it, and we've been going back and forth with, you know, the contracts, or the proposed contracts, and what looked good and what did not look good.

**LEG. CRECCA:**

I guess my concern is twofold. Number one is, I'll be very blunt, because I don't want to beat around the bush, and I'm not trying to play games. We have a County Executive and a Chief Deputy County Executive who are indicating that they won't sign off on certain contracts. Let's get down to the bottom line of it; okay? These same contracts and agencies were in resolutions drafted by the Chief Deputy County Executive when he was Counsel to this Legislature, advising us legally, who's now saying, or at least eluding to the fact, that they're illegal, and we have a County Executive who's now trying to question some of these funding mechanisms, who voted for and actually participated in funding these organizations. So I'd ask you to take that back, ask them to look at this, and let's get to the bottom of it and resolve it once and for all.

**MS. BIZZARRO:**

I will. And my purpose is that I'm here to just explain to you the County Attorney's position on these contracts, and I'd like to see them done right, as I'm sure that you would. There are --

**LEG. CRECCA:**

Absolutely .

**MS. BIZZARRO:**

-- hundreds of programs out there, there are hundreds of not-for-profit agencies that, you know, are doing great things and that this money can go towards. You know, it's a fairly significant amount of money, notwithstanding it may have been reduced over time. So, I'm just looking to do the right thing. Okay. I will relay that message as well.

**LEG. CRECCA:**

Thank you.

**P.O. CARACAPPA:**

Okay.

**LEG. VILORIA-FISHER:**

Joe, just one comment.

**P.O. CARACAPPA:**

Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

Okay. I'd just like to say that although I don't agree with some of the determinations with regard to school districts, I do have to say that my staff has certainly been getting a lot of guidance and direction, a lot more than they ever have been before, so I thank you for the time you're putting into that.

And we have -- this isn't the first we're hearing of this. We have been looking at this for weeks. We had submitted our list, and you have been apprising us. And although we may not agree with everything, you have been giving us some direction.

**MS. BIZZARRO:**

Thank you. I appreciate that.

**P.O. CARACAPPA:**

Well, keep in mind, Legislator Fisher, that it's my staff that's been organizing those efforts, so



Linda's been working -- Ms. Bizzarro's been working with my staff, as she's mentioned, but it --

**LEG. VILORIA-FISHER:**

Yeah, Linda Bay has been working very hard, she's been working with my staff.

**P.O. CARACAPPA:**

Right. It was a directive of my -- one of the first things we've directed my staff to do is to make sure we had everyone on the same page, including the County Executive's Office, as it related to making sure that the process went smoother, more efficient, and to make sure all the I's were dotted and T's were crossed, as is what Ms. Bizzarro is eluding to in her statements tonight.

**MS. BIZZARRO:**

I don't mean to just elude to it, I will say, Linda and I have been working great together, and I think, at the end, everything's going to move.

**LEG. CRECCA:**

And it's not an attack on the County Attorney or you, and I apologize if it came off that way.

**P.O. CARACAPPA:**

What I meant by eluding to, I mean by just making sure everything is -- everything is proper.

**MS. BIZZARRO:**

Right.

**P.O. CARACAPPA:**

Okay. Thank you.

**MS. BIZZARRO:**

Thank you.

**P.O. CARACAPPA:**

I ask the -- Mr. Foley to step forward.

**MR. FOLEY:**

Thank you. I'm Ron Foley, Chief Deputy Commissioner for Parks.

**P.O. CARACAPPA:**

Just pull that mike up and you've got to talk right into it.

**MR. FOLEY:**

I'm talking about 1205 and 1206, which are on Page 13. And I'm really just begging to have you let us help you make sure we apply fees consistently by involving us early in the process of writing these pieces of legislation. We can't tell from 1206 the way it is today whether we're limiting this group to 100 people, which is dictated by the \$125 fee, or if, as history proves, they'll come in and want 400 people and it should have been \$500. If we can get involved in the process early, we can give you all the information and dates, so there's no conflicts and fees from the schedule you've adopted in the past. So we're just asking to be involved early.

**LEG. CRECCA:**

Thank you.

**LEG. O'LEARY:**

Mr. Chair.

**P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. O'LEARY:**

With respect to the fees you just cited --

**MR. FOLEY:**

Yep.

**LEG. O'LEARY:**

-- Mr. Foley, 1205 is a dollar?

**MR. FOLEY:**

Right.

**LEG. O'LEARY:**

That's been the past practice of this particular event?

**MR. FOLEY:**

Yep.

**LEG. O'LEARY:**

It's not on -- it's actually at the toll booth?

**MR. FOLEY:**

It's not on the schedule, that's right.

**LEG. O'LEARY:**

Yeah. It's \$4 for the four days?

**MR. FOLEY:**

Uh-huh.

**LEG. O'LEARY:**

By way of explanation, 1206 is \$125 per diem. That's a two-day event, so it would be 250, that's my understanding. It's a two-day --

**MR. FOLEY:**

Yeah. It's hard to tell that from -- yeah.

**LEG. O'LEARY:**

It doesn't go by the amount of people that participate, it's a flat fee for the per diem, the use of the facility.

**MR. FOLEY:**

Okay.

**LEG. O'LEARY:**

1206 is 125 per diem, and that's actually on -- that's going to be on two separate County properties, Smith Point County Park and Cathedral Pines?

**MR. FOLEY:**

Right.

**LEG. O'LEARY:**

There's also a stopover in Southaven Park?

**MR. FOLEY:**

Yeah. When they come to us, they tell us 400 people, it looks like it should be \$500. We'd just like to have the opportunity to have those discussions.

**LEG. O'LEARY:**

No, it has nothing to do with the amount of people participating, it's a flat fee.

**MR. FOLEY:**

All right.

**LEG. O'LEARY:**

Okay. All right. Well, it's -- that's only a one-day event, 1206. I'm thinking of another event, the breast cancer thing. I would ask your office to contact my office --

**MR. FOLEY:**

Yep.

**LEG. O'LEARY:**

-- in the future with respect to fees, if you have any questions, and I'll be happy to answer them.

**MR. FOLEY:**

We will.

**LEG. O'LEARY:**

Thank you.

**MR. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Okay? And that's the end of presentations. We are -- I'm going to make a motion to discharge 1023, 1024, and 1025. There's a second by Legislator Foley. All in favor? Opposed? Abstentions? 1023, 1024 and 1025, which are before you, are discharged.

We are going to take a half hour recess, and when I mean half hour, let's stick to a strict half hour. So, we will come back at 8 o'clock.

**[THE MEETING WAS RECESSED AT 7:40 A.M. AND RESUMED AT 8:10 P.M.]**

**P.O. CARACAPPA:**

Go ahead, Henry.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CARACCIOLO:**

Here.

**LEG. SCHNEIDERMAN:**

(Not Present)

**LEG. O'LEARY:**

(Not Present)

**LEG. VILORIA-FISHER:**

(Not Present)

**LEG. LOSQUADRO:**

(Not Present)

**LEG. FOLEY:**

(Not Present)

**LEG. LINDSAY:**

(Not Present)

**LEG. MONTANO:**

(Not Present)

**LEG. ALDEN:**

(Not Present)

**LEG. CRECCA:**

(Not Present)

**LEG. NOWICK:**

(Not Present)

**LEG. BISHOP:**

(Not Present).

**LEG. MYSTAL:**

(Not Present).

**LEG. BINDER:**

(Not Present)

**LEG. TONNA:**

(Not Present)

**LEG. COOPER:**

(Not Present)

**D.P.O. CARPENTER:**

(Not Present)

**P.O. CARACAPPA:**

I'm here.

**MR. BARTON:**

Three.

**[ROLL CALLED AGAIN AT 8:13 P.M.]**

**P.O. CARACAPPA:**

Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CARACCIOLO:**

Here.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. O'LEARY:**

(Not Present)

**LEG. VILORIA-FISHER:**

Here.

**LEG. LOSQUADRO:**

Here.

**LEG. FOLEY:**

Present.

**LEG. LINDSAY:**

Here.

**LEG. MONTANO:**

Here.

**LEG. ALDEN:**

Here.

**LEG. CRECCA:**

Here.

**LEG. NOWICK:**

Here.

**LEG. BISHOP:**

Here.

**LEG. MYSTAL:**

Here.

**LEG. BINDER:**

(Not Present).

**P.O. CARACAPPA:**

Like Cristal.

**D.P.O. CARPENTER:**

Mystal.

**MR. BARTON:**

Mystal.

**MS. JULIUS:**

Mystal, like Cristal.

**LEG. COOPER:**

Here.

**D.P.O. CARPENTER:**



Here.

**P.O. CARACAPPA:**

Here.

**LEG. O'LEARY:**

Here, Henry, Legislator O'Leary.

**MR. BARTON:**

Okay. 16. (Not Present: Leg. Binder - Absent: Leg. Tonna)

**P.O. CARACAPPA:**

Thank you. Motion to approve the Consent Calendar by myself, second by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions? Consent Calendar is approved.

Moving on to resolutions tabled to March 23rd, which is Page 10. Everyone with me?

**MR. BARTON:**

17. (Absent: Legislator Tonna)

**RESOLUTIONS TABLED TO MARCH 23, 2004**

**P.O. CARACAPPA:**

**1838 - Establishing Task Force to study need for ATV park and to reduce illegal ATV use in Suffolk County.**

**LEG. CRECCA:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Crecca.

**LEG. NOWICK:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Nowick. All in favor? Opposed?

**LEG. CARACCILO:**

Opposed. Opposed.

**P.O. CARACAPPA:**

One opposed, Legislator Caracciolo. 1085.

**MR. BARTON:**

16. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**(1085 - A Local Law to repeal annual audit of County forfeiture funds).** A Local Law to repeal -- motion to table by myself.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator O'Leary. All in favor? Opposed? Abstentions? 1085 is tabled.

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**INTRODUCTORY RESOLUTIONS FOR THE MARCH 23, 2004**  
**MEETING OF THE SUFFOLK COUNTY LEGISLATURE**

**P.O. CARACAPPA:**

Page 11.

**D.P.O. CARPENTER:**

We did the Consent Calendar?

**P.O. CARACAPPA:**

Yes, we did. You were recorded. **1093 (Amending the 2004 Adopted Operating Budget and appropriating bond proceeds in connection with payment of pension liability costs for 2004).** Is there a motion?

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Foley.

**LEG. COOPER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Cooper. All in favor? Opposed? Abstentions? 1093 is approved. **1094 (A resolution authorizing the issuance of \$65,000,000 serial bonds of the County of Suffolk, New York, to pay amounts outstanding for 2004 retirement contributions of said County in excess of seven percent).**

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Foley, second by myself. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. FOLEY:**

Yes.

**P.O. CARACAPPA:**

Yes.

**LEG. CARACCILO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

(Not Present)

**LEG. MYSTAL:**

Mystal.

**MR. BARTON:**

Mystal.

**P.O. CARACAPPA:**

Like cristal.

**LEG. MYSTAL:**

Think of cristal champagne.

**P.O. CARACAPPA:**

Right.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**MR. BARTON:**

16. (Not Present: Leg. Binder - Absent: Leg. Tonna)

**P.O. CARACAPPA:**

Same motion -- oh, there's no companion resolution. Okay. **1111 (To readjust, compromise, and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #183).** Motion by myself, second by Legislator Bishop. All in favor? Opposed? Abstentions? 1112.

**MR. BARTON:**

16. (Not Present: Leg. Binder - Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**(1112 - To readjust, compromise, and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #185).** Same motion, same second, same vote.

**MR. BARTON:**

16. (Not Present: Leg. Binder - Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1113 (To readjust, compromise, and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #186).** Same motion, same second, same vote.

**MR. BARTON:**

16. (Not Present: Leg. Binder - Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1133 (Amending the 2004 Mandated Operating Budget in connection with fifty (50) new Correction officer I positions in the Sheriff's Office).** Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

16. (Not Present: Leg. Binder - Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1134 (Amending the 2004 Discretionary Operating Budget in connection with twenty (20) new Deputy Sheriff I positions in the Sheriff's Office).** Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor?

**LEG. LINDSAY:**

On the issue, if I might, Mr. Chairman.

**P.O. CARACAPPA:**

On the motion, Legislator Lindsay.

**LEG. LINDSAY:**

I'm all for these resolutions. They were part of the omnibus package that we put together last Fall, but I don't believe it was a budget note. I think it was attached to the resolution that there was supposed to be some kind of certification by the Sheriff that these positions would actually be filled and that they would be used to reduce the cost of overtime in the department, and I'm being told that wasn't done. Does anybody know that here?

**D.P.O. CARPENTER:**

If I could --

**P.O. CARACAPPA:**

Legislator Carpenter.

**D.P.O. CARPENTER:**

-- respond. I think we addressed this in committee, and Counsel said that it was in the -- in the omnibus resolution, there was language that addressed this, and that that had the force of law, so that there really was no need for anything additional.

**LEG. LINDSAY:**

Okay. Again, I'm being told that there was supposed to be some kind of certification between the Executive's Office and the Sheriff's Office that, in fact, these positions would be used to reduce the overtime costs in the department, and that -- and they're telling that hasn't been done.

**LEG. BISHOP:**

I could solve it. I think they're both right.

**P.O. CARACAPPA:**

Legislator Bishop, if you want to jump in there.

**LEG. BISHOP:**

Yeah, I think I can solve that. Legislator Lindsay's statements is factually correct, so is Legislator Carpenter's. There is something in the omnibus, there was a resolved clause that said that for this to occur, for the hirings to occur, there has to be a certification, and we were told by the County Executive's Office today that there has not been that certification yet. I don't know if

it means that you can't pass it now and the certification won't -- you know, will effect a hiring, or whether it affects the resolution, that's up to Legislators.

**LEG. LINDSAY:**

If -- Mr. Chairman, if we might --

**P.O. CARACAPPA:**

Chief Otto.

**LEG. LINDSAY:**

-- I see the Sheriff's Office there. Maybe you -- could you enlighten us?

**P.O. CARACAPPA:**

Chief Otto, would you mind, quickly? Just give us your interpretation.

**CHIEF OTTO:**

Yes. I believe that the language in the omnibus stated that a plan to show a cost savings would have to be submitted prior to October 2004, not prior to the hirings.

**LEG. LOSQUADRO:**

I don't think that mike is on.

**LEG. BISHOP:**

Oh, I don't that's -- I mean, I hope you've read that. That wasn't my understanding when we did the omnibus. I don't even think it was --

**CHIEF OTTO:**

It's actually written in the omnibus, and I remember October 2004.

**LEG. BISHOP:**

Are you -- I think -- are you talking about a note in the omnibus, because the resolved --

**CHIEF OTTO:**

It's on the same line.



**LEG. BISHOP:**

Can somebody -- is there a way to check that?

**LEG. LINDSAY:**

Can Budget Review pull that up?

**P.O. CARACAPPA:**

Hold on, hold on.

**LEG. BISHOP:**

I would bet on Chief Otto, but it certainly wasn't the discussion at the time, if that's what it says. I mean, the discussion was --

**P.O. CARACAPPA:**

Budget Review. Jimmy, would you have that information at your fingertips? I know this is Riverhead and --

**MR. SPERO:**

We'll see if we can find it on the computer.

**LEG. CARACCILO:**

Southampton, we're in Southampton.

**P.O. CARACAPPA:**

Southampton. I'm sorry, Legislator Caracciolo, it is Southampton.

**LEG. SCHNEIDERMAN:**

My district.

**P.O. CARACAPPA:**

Legislator Lindsay.

**LEG. LINDSAY:**

While they're looking for that, and I was a little bit asleep here, but we passed 1133, and I believe the same proviso applied to that. I mean, actually, there was -- all three issues were all

issues we addressed in the omnibus as far as the 20 to 50 and the three Superior Officers to supervise them. And we went to great pains, because we didn't want the Sheriff's Department to take the money, not start the class, not promote the people. You know, they were -- it was slotted very distinctly for certain positions.

**P.O. CARACAPPA:**

Legislator Crecca.

**LEG. CRECCA:**

Yeah. We went over this already in Budget and Finance, but for everyone's edification, Bill is right, this was a plan and part of the 2004 omnibus bill that we passed on the budget. It's also -- we wouldn't have passed it out of committee if it was not. So we -- I mean, I didn't hear everything you said, Bill, I came in a little bit late to the conversation, I apologize, but these bills are within the budget as we planned, and this was exactly the way we planned it. I know, because in omnibus, I'm the one that carried this and had added to omnibus and went over it ad nauseam with Fred Pollert and some of the Budget Review staff.

**P.O. CARACAPPA:**

Correct me if I'm --

**LEG. VILORIA-FISHER:**

Maybe he could add to the question.

**P.O. CARACAPPA:**

Correct me if I'm wrong, though. We could pass a bill tonight to do a thousand Deputy Sheriffs, nothing's going to happen until those SCINs are signed.

**D.P.O. CARPENTER:**

Right the SCIN forms, exactly.

**P.O. CARACAPPA:**

So, we could pass this now, we could pass this in July, the SCIN forms, it would be my guess, and I could be wrong, they're not going to be signed any time soon, anyway, so --

**LEG. CRECCA:**

Well, there's a new spirit of cooperation, I would hope. And judging by my conversations with my colleagues tonight, and I hope what will be the beginning of a relationship, I believe -- I would like to hope that those SCINs are signed. And, certainly, if they're not, this Legislature, I think, will take a more active role. We've had this problem in the past, and not just with -- I'm talking about prior County Executive Gaffney, and the bottom line is the budget document is a policy document, and we need to be more proactive about making sure that the policies that we enact are carried out.

**LEG. VILORIA-FISHER:**

Okay. Mr. Chair.

**P.O. CARACAPPA:**

Legislator Lindsay, were you finished?

**LEG. VILORIA-FISHER:**

Oh, I'm sorry. I didn't realize you still had the floor, because Legislator Crecca was talking.

**LEG. CRECCA:**

I think he did first.

**P.O. CARACAPPA:**

Everyone was jumping in.

**LEG. VILORIA-FISHER:**

Sorry.

**LEG. LINDSAY:**

Okay. Go ahead.

**P.O. CARACAPPA:**

Legislator Vioria-Fisher.

**LEG. VILORIA-FISHER:**

Legislator Crecca, you weren't in the room when the point was made by Legislator Lindsay, and it wasn't whether or not it was budgeted in the omnibus budget, but, rather, that there was a

contingency -- that there was a condition that the Sheriff's Office demonstrate that there's going to be a savings in overtime. So, perhaps, as the Presiding Officer said, the SCIN forms haven't been -- won't be signed tonight, and that if there is no indication that there's going to be savings, there's always the prerogative on the County Executive's part to do that. I assume that was what you were saying, rather than, you know --

**P.O. CARACAPPA:**

Yeah, tonight isn't the --

**LEG. VILORIA-FISHER:**

-- the County Executive isn't cooperating.

**P.O. CARACAPPA:**

Tonight isn't the finality of these positions.

**LEG. VILORIA-FISHER:**

Yes.

**P.O. CARACAPPA:**

It has a long way to go.

**LEG. CRECCA:**

No. But until they're filled --

**LEG. VILORIA-FISHER:**

So I'm just saying that his comment wasn't that the County Executive wasn't going to cooperate with us, but, rather, that there is a second bite at the apple if the conditions that were imposed at the budget --

**LEG. CRECCA:**

Oh, I see.

**LEG. VILORIA-FISHER:**

-- time are not met.

**LEG. CRECCA:**

Okay.

**P.O. CARACAPPA:**

Yeah. My point is, right, if they're not -- I doubt the County Executive is going to sign them if he feels the same way that those who are against this feel.

**LEG. VILORIA-FISHER:**

I just wanted to clarify that.

**P.O. CARACAPPA:**

Just before we have anymore, Budget Review.

**LEG. CRECCA:**

They can't reuse overtime until you give them the spots, though.

**MR. SPERO:**

The 36th Resolved Clause requires the Sheriff -- directs the Sheriff to issue a report to each member of the County Legislature and to the County Executive no later than October 1st, 2004, identifying the cost savings attributable to such hiring on a detailed line item basis.

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. MYSTAL:**

I admire Legislator Crecca's optimism. It sounds like the man who's facing a firing squad and making plans for dinner. The problem is like, you know -- not the problem. I'm pretty sure even that the SCIN could be something that we could look at, but if it's passed, then the pressure is going to mount on the County Executive to sign the SCIN form. You know, we can say, "Well, he has the power to hold the SCIN form," but once this bill is passed, the pressure mounts and the clock starts ticking, so --

**P.O. CARACAPPA:**

Okay?

**LEG. LINDSAY:**

Yep.

**P.O. CARACAPPA:**

Solid?

**LEG. LINDSAY:**

Yep.

**P.O. CARACAPPA:**

There's a motion and a second, 1134. All in favor? Opposed? Abstentions? It's approved.  
**1135 (Amending the Mandated and Discretionary portions of the 2004 Operating Budget).**

**D.P.O. CARPENTER:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Carpenter.

**LEG. O'LEARY:**

Second.

**MR. BARTON:**

15. (1134) (Not Present: Legs. Caracciolo and Binder - Absent: Leg. Tonna)

**P.O. CARACAPPA:**

Second by Legislator O'Leary. This is a 14-voter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

15. (Not Present: Legs. Caracciolo and Binder - Absent: Leg. Tonna)

**LEG. FOLEY:**

Joe, which resolution was that?

**P.O. CARACAPPA:**

It's 1135.

**LEG. VILORIA-FISHER:**

1135.

**LEG. CARACCCIOLO:**

Henry.

**P.O. CARACAPPA:**

**1136 (Amending the 2004 Discretionary Operating Budget in connection with three (3) new Deputy Sheriff positions in the Sheriff's Office).**

**LEG. FOLEY:**

Henry.

**P.O. CARACAPPA:**

Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

16. (Not Present: Leg. Binder - Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1182 (Transferring contingent funding for various contract agencies (Phase I).** Motion by Legislator Crecca, second by Legislator Bishop. All in favor? Opposed? Abstentions? 1186.

**MR. BARTON:**

16. (Not Present: Leg. Binder - Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**(1186 - Amending the 2004 Operating Budget designating funding to the Town of Southampton Youth Bureau for the purpose of sponsoring the East End Youth Summit).** Motion by Legislator Foley, second by Legislator O'Leary. All in favor? Opposed?

Abstentions? (Vote: 16, 1 not present: Leg. Binder - 1 absent: Leg. Tonna)

**LEG. FOLEY:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Yes. On Resolutions 1111, 1112, 1113, I think we were here for 1133, but there are several resolutions that some of my colleagues were temporarily out of the horseshoe.

**LEG. MYSTAL:**

We counted you in.

**P.O. CARACAPPA:**

No, they were -- you were here.

**LEG. FOLEY:**

We were here?

**LEG. CRECCA:**

You were in the hallway.

**LEG. FOLEY:**

We were in the hallway. Just making sure. Thank you.

**LEG. MYSTAL:**

Everybody got counted in.

**P.O. CARACAPPA:**

The Clerk is on top of it.

**LEG. FOLEY:**



Thank you.

**P.O. CARACAPPA:**

**1198 - Amending the adopted 2004 Operating Budget and transferring funds to the Downtown Revitalization Program (CP 6412) and making a technical correction.**

**LEG. ALDEN:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Alden.

**D.P.O. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Carpenter. All in favor? Opposed? Abstentions?

1201, 1201A.

**MR. BARTON:**

16. (Not Present: Leg. Binder - Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**(1201, 1201A) Appropriating funds for planning, renovations/improvements to the Cohalan Court Complex (Capital Program Number 1125).** Motion by Legislator Crecca, second by myself. Roll call.

**LEG. MYSTAL:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Mystal.

**LEG. MYSTAL:**

Somebody, talk to me like a four year old, tell me what this is all about.

**LEG. CRECCA:**

I'd be happy to fill him in. It's my resolution.

**LEG. MYSTAL:**

Thank you.

**LEG. CRECCA:**

This was appropriating funds that were put in the Capital Budget Program when we approved the Capital Budget last year. And what this is, this will allow for a study of the Cohalan Court Complex. There are some place problems there, including the entryway. We've had people waiting out literally as long as a half a mile in the cold because of the new security things, but, also, the problem with courtroom space there. This is only a study to look at less expensive ways than just building new courtrooms, or new and innovative ways to report back to the Legislature as to what possibilities we can do in order -- at that complex to resolve some of the space problems they're having at minimal cost to present different options.

**LEG. BISHOP:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Bishop.

**LEG. BISHOP:**

Forgive me.

**LEG. ALDEN:**

Never.

**LEG. MYSTAL:**

Can we kill him now?

**LEG. BISHOP:**

I apologize.

**P.O. CARACAPPA:**

Take your time.

**LEG. BISHOP:**

Andrew. Sorry. Legislator Crecca, what I'd like to know is was this in the Capital Budget, or is this a change in the Capital Budget?

**LEG. CRECCA:**

No, this was in the Capital Budget. It was part of what was drafted and approved by the full Legislature, and, actually, you participated in that process fully.

**LEG. BISHOP:**

In the court--

**D.P.O. CARPENTER:**

Fully.

**LEG. BISHOP:**

Yeah.

**LEG. CRECCA:**

No, he was, he was there all the time.

**P.O. CARACAPPA:**

This has the project number as well, it's 1125. This is an appropriation.

**LEG. CRECCA:**

Yeah. It's just an appropriating resolution, not an amendment.

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. ALDEN:**

Where did you get food from?

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. MYSTAL:**

In the back room there is food. Go ahead, Alden.

**P.O. CARACAPPA:**

Okay?

**LEG. MYSTAL:**

No. I just want to commend Legislator Bishop. You really trust him, don't you, Bishop? And what he said to you, you really believe that without even say anything. Okay. I want to follow your lead. You know, you trust him. I don't know. He said something.

**P.O. CARACAPPA:**

There's a motion and a second. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CRECCA:**

Yes.

**P.O. CARACAPPA:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes. Thank you.

**LEG. BINDER:**

(Not Present)

**LEG. TONNA:**

(Not Present)

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**MR. BARTON:**

16 on the bond. (Not Present: Leg. Binder - Absent: Leg. Tonna)

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution.

**1202 (Amending the 2004 Operating Budget and transferring funds for the testing of mosquitoes for all mosquito-borne disease pathogens).** Motion by Legislator O'Leary.

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Viloría-Fisher. All in favor? Opposed?

**LEG. LINDSAY:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Lindsay.

**LEG. LINDSAY:**

On 1202, I sympathize with the program, and I would be perfectly willing to support the program. The problem I have with it is using pay-as-you-go money, and I intend to oppose anything that's using pay-as-you-go as an offset at this point in time. With the limited amount of money that we have in pay-as-you-go, I think that we should prioritize the projects that we're going to use that money for. And, you know, if the sponsor can find another offset rather than pay-as-you-go, I'd very happy to support it, but we only have a half a million dollars. We have small construction projects that have to be done during the course of the year, and, in my opinion, I think that's what the money should be used for. And we're definitely going to run through that money and we will have to bond some amount of money, but, hopefully, nowhere's near the original 19 million dollars we had allocated for these small projects.

**P.O. CARACAPPA:**

Legislator Alden and O'Leary.

**LEG. ALDEN:**

I'm going to be speaking in favor of this, and I'll tell you one -- and it's a sad reason why. This January, a seventy-two year old gentleman in my district died. He was bitten in his backyard by mosquitoes. Now, there's a possibility that had one of the birds that we were testing at that time, if we'd have had the information back on a timely fashion, there's a possibility that something, a tragedy like this might have been averted. So, I would strongly suggest to my fellow Legislators that, you know, we do anything we can to avert that type of tragedy and the death that occurred.

**P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. ALDEN:**

And that person wasn't even near the -- he didn't live near the water, he lived up in -- inland, up in Islip Terrace.

**P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. O'LEARY:**

Thank you, Mr. Chair. In response to Legislator Lindsay's concerns about the pay-as-you-go monies and the prioritization of same, if we can't prioritize the health and safety of the people in this County, then I don't know what else we can do. This is money well spent for purposes of assuring that the people in this County will be shielded, if you will, from potential fatal diseases. Thank you.

**LEG. LINDSAY:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Lindsay.

**LEG. LINDSAY:**

Yeah. From Budget Review, are we oversubscribed to the -- if the other budget amendments pass and pay-as-you-go is reduced to \$500,000, are we oversubscribed now?

**MR. SPERO:**

No. Well, there's one resolution by Legislator Cooper that's tabled in committee, which would -- if that were on the agenda tonight, would put it over slightly. But, as of the -- for the items on tonight's agenda, it would not be oversubscribed.

**P.O. CARACAPPA:**

Legislator Foley, and Schneiderman.

**LEG. FOLEY:**

Yeah. Thank you, Mr. Chairman. And I want to commend the sponsor of the bill for moving forward on an issue that's important to many of us, particularly on the South Shore, where there have been just -- not just nuisance mosquitoes, but other issues. But what I would like to do, as much as we need to move forward with the program, I think there's a real issue with the funding source and whether or not there are other available funds that could be used for this purpose.

I would just first ask the sponsor, were other funding sources first looked at as opposed to pay-as-you-go? Did we -- did we simply ask Budget Review Office to come up with a funding source, or -- Legislator O'Leary, how --

**LEG. O'LEARY:**

Yes. Yes, Legislator Foley, that was, in fact, considered, and the advice given was that the monies could be utilized from pay-as-you-go, would be the best way to go.

**LEG. FOLEY:**

Okay. Thank you. Just through the Chair, to the Budget Review Office. Usually, we haven't used pay-as-you-go for operating expenses, we normally use it for capital needs that are of a recurring nature; correct?

**MR. SPERO:**



Typically, yes.

**LEG. FOLEY:**

Now, these monies are they -- we heard before they're going to be used for some equipment. Is it mostly for equipment, or is it also being used for salaries?

**MR. SPERO:**

No, the pay-as-you-go money would not be used for salaries, it's used for short-lived capital projects --

**LEG. FOLEY:**

So --

**MR. SPERO:**

And/or recurring capital projects.

**LEG. FOLEY:**

Understood. So, the monies that are being appropriated here would be for equipment?

**MR. SPERO:**

This would be for testing, not -- testing by an outside laboratory of the mosquitoes for the diseases.

**LEG. FOLEY:**

Does testing -- does testing fall under the allowable uses of the 5-25-5? As much as I'm supportive of the approach --

**MR. SPERO:**

Yeah.

**LEG. FOLEY:**

-- and I think it should be funded --

**MR. SPERO:**

There are actually certain health projects in the water quality area that involve testing and

things like that that were capitalized, which we have recommended be funded on a pay-as-you-go basis.

**LEG. FOLEY:**

See, my point is whether or not within the given Health Department Budget that there's another funding source that could be utilized to meet this same purpose, as opposed to using pay-as-you-go.

**MR. SPERO:**

The only other place I would go to now is the permanent salary lines, where we have -- we just issued a memo, which is in the mailboxes in Hauppauge. There's several millions of dollars of permanent salary funds available, assuming no additional positions are filled through the rest of the year. So, the problem is the budget is very tightly constructed, and finding good offsets is very difficult, so the pay-as-you-go is like the path of least resistance.

**LEG. FOLEY:**

Thank you, Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Schneiderman, then Nowick.

**LEG. SCHNEIDERMAN:**

Thank you. I'm going to support this, and I want to just stress how important this is. In the Fall of last year, when I was still acting Supervisor for the Town of East Hampton, I got a call from the Health Department telling us we had to close down our park and other parks, the County and the State parks all near the lighthouse, an area called Camp Hero, because of this detection of Eastern Equine Encephalitis.

What was really frustrating to me and lead to a -- me calling several people, County officials on this very issue is that the detection, the sample was taken nearly a month before the discovery. And when you find out that there's a 30% mortality rates for adults who get bitten by an insect carrying Triple E encephalitis, and close to 90% mortality rate for children at a time when the tourist season, the fishing season was still very active, to know that a month went by where people were being potentially exposed to a very fatal illness makes you realize that it's just

critical that we speed up that time for those -- for those samples to come back. So I wholeheartedly support this and urge all of my colleagues to do so.

**P.O. CARACAPPA:**

Legislator Nowick.

**LEG. NOWICK:**

Yeah. Well, while I hate to spend \$275,000 for this sort of thing, I hate to spend money for my car insurance, but -- or my house insurance, but this is insurance on people's lives. And we read in the paper last week that researchers probably save more lives than the regular M.D.'s themselves. This is what this is, this is researchers. I had hoped, and I would love to have seen grants being offered for this, but that's not the case. This is our job to protect people and protect lives and, unfortunately, we're going to have to spend the money. This is what we have - - this is what we do.

**P.O. CARACAPPA:**

Legislator Lindsay.

**LEG. LINDSAY:**

Again, it isn't the issue of what the money is being used for. I wholeheartedly support it. I wish the Health Department had come to us last Fall to stress this urgent need when we were putting together the budget, because it would have been put in the budget without any problem at all. My problem with it is with the restructuring of the '04 budget, you know, we're using a whole pot hereof money that's designed for small construction projects.

**P.O. CARACAPPA:**

Okay. Anyone else? There's a motion and a second. All in favor? Opposed?

**LEG. LINDSAY:**

Opposed.

**LEG. CARACCILOLO:**

Cosponsor.

**LEG. SCHNEIDERMAN:**

Cosponsor.

**LEG. BINDER:**

Roll call.

**P.O. CARACAPPA:**

There's one opposition.

**LEG. ALDEN:**

Henry.

**LEG. LOSQUADRO:**

Henry.

**LEG. ALDEN:**

Cosponsor.

**LEG. CRECCA:**

I'll cosponsor, also.

**D.P.O. CARPENTER:**

Cosponsor, Henry.

**LEG. NOWICK:**

Cosponsor.

**LEG. SCHNEIDERMAN:**

You got it, Henry?

**P.O. CARACAPPA:**

Thank you.

**LEG. SCHNEIDERMAN:**

Henry, you got me, too.

**LEG. LOSQUADRO:**

Henry, also.

**P.O. CARACAPPA:**

One opposition, yeah. And note the cosponsors. The opposition was Legislator Lindsay.

**LEG. CRECCA:**

Mr. Presiding Officer.

**LEG. O'LEARY:**

Thank you.

**P.O. CARACAPPA:**

I recognize Legislator Crecca.

**LEG. CRECCA:**

Yeah. I'd like to make a motion to take out of order Resolution 1227, which is --

**MR. BARTON:**

16. (Absent: Leg. Tonna)

**D.P.O. CARPENTER:**

Second.

**LEG. CRECCA:**

It's an appointment of -- it's on Page 17, the last resolution.

**LEG. CARACCILO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Mr. Brady is patiently waiting, and while he hasn't asked, I think, as a courtesy, I'd like to get this resolved, so he can go home --

**P.O. CARACAPPA:**

Okay.

**LEG. CRECCA:**

-- even though the rest of us are stuck here.

**P.O. CARACAPPA:**

There's a motion.

**LEG. CRECCA:**

-- especially before we get to the budget bills and there may be lengthy debate.

**LEG. CARACCIOLO:**

Point of order, Mr. Chairman.

**P.O. CARACAPPA:**

Just let me just state that there's a motion and a second to take 1227 out of order. On the motion, Legislator Caracciolo.

**LEG. CARACCIOLO:**

Well, point of order. As we reconvened after the half hour recess, there were three of us present. At that time, I requested to bring up the South Ferry rate application. You assured me in 23 minutes that would take place. So, before we do any other business --

**P.O. CARACAPPA:**

I was just waiting for a motion from yourself, Legislator Caracciolo?

**LEG. CARACCIOLO:**

Oh, okay. Well, I'd like to make that motion to discharge and vote on I.R --

**P.O. CARACAPPA:**

It is discharged, it's before us.

**LEG. CARACCIOLO:**

Okay. All right. Then a motion to approve I.R --

**D.P.O. CARPENTER:**

Second.

**LEG. CARACCIOLO:**

-- 1023.

**P.O. CARACAPPA:**

Well, that is out of order, because there's a pending motion to take 1227 out of order and a second. Yours will be up next. Would you defer to that one first?

**LEG. CRECCA:**

I have no problem with deferring.

**P.O. CARACAPPA:**

Okay. We'll defer to yours, Michael, Legislator Caracciolo.

**LEG. CRECCA:**

No, I have no problem. If that was what the arrangement was, I have no problem deferring to my esteemed colleague --

**LEG. CARACCIOLO:**

Thank you.

**LEG. CRECCA:**

-- from the First District.

**LEG. CARACCIOLO:**

Mr. Chairman.

**MS. KNAPP:**

We closed that public hearing?

**P.O. CARACAPPA:**

The public hearing was closed, it was discharged, and this is 1223.

**LEG. CARACCILO:**

No, 1023.

**P.O. CARACAPPA:**

1023.

**LEG. ALDEN:**

What page?

**P.O. CARACAPPA:**

There's a motion -- it's in front of you.

**LEG. CARACCILO:**

It was distributed.

**P.O. CARACAPPA:**

Motion by Legislator Caracciolo to approve.

**LEG. CARACCILO:**

Correct.

**LEG. FOLEY:**

Second.

**LEG. SCHNEIDERMAN:**

Second. I'd second that.

**LEG. FOLEY:**

Oh, I'm sorry.

**P.O. CARACAPPA:**

Second by Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**



I'd like -- can I second this?

**P.O. CARACAPPA:**

All in favor?

**LEG. CARACCILO:**

Oh, wait a minute, Mr. Chairman. I'd like to make a statement, just quickly.

**P.O. CARACAPPA:**

Go right ahead.

**LEG. LINDSAY:**

Where is --

**P.O. CARACAPPA:**

It's not on the agenda, it was discharged and before you.

**LEG. CARACCILO:**

It was discharged and laid on the table. I'd like to read a brief statement, and then just summarize some of my own remarks with regard to this rate application. This is correspondence from the Supervisor of the Town of Shelter Island, who writes to each member and each member received a copy of this.

**D.P.O. CARPENTER:**

We read it.

**LEG. CARACCILO:**

I understand it, but I'd like to make it a formal part of tonight's report.

"On behalf of the Shelter Island members of the Ferry Advisory Committee and the Shelter Island community, I wish to convey our support for the proposed amended rate increase of South Ferry Company, Inc., South Ferry. The committee met three times, including one public hearing, at which we received public input, and one work session where we reviewed and discussed the Budget Review Office's report and recommendations. Based on the following factors, we believe the amended rates, as proposed by South Ferry, as opposed to the rates

recommended by the Budget Review Office, are most equitable and fair to the residents of Shelter Island and neighboring communities that rely on ferry transportation."

Just three points real briefly. "Shelter Island residents have no alternative to using ferry for employment, critical, medical care, life-style needs, such as specialist physicians, hospital care, eye care, and so forth. Neighboring residents in the communities of Southold, East Hampton, Southampton rely on Shelter Island as a passageway to ease daily commuting for employment purposes. If not available and priced fairly, alternative routes would add significant time to their daily commutes and traffic to adjacent communities. Infrequent users and tourists who have historically borne higher ferry rates have discretion as to whether they use the ferry based upon fare and convenience, since such use is primarily -- is based upon desire only."

"In conclusion, we believe South Ferry's proposal fairly distributes as much of the rate increase as possible to the commuter and resident and nonresident ten trip booklets. We sincerely hope that your vote will be in favor of South Ferry's proposed amended rate increase."

And I would just also note for the record one final point. This company has not been before this Legislature for a rate increase in more than seven years. Since that time, if one just used the consumer price index for our area, we would have seen or experienced a 16% increase. This fair proposal or adjustment is an 11%, it's actually less.

And more fairly to describe some of the other elements of it, I'd want to thank my colleague, Legislator Jay Schneiderman, for working on behalf of residents of both the North and South Fork, who probably more than other resident in the County have occasionally the use of the South Ferry by bringing down some other fares, particularly the ten trip booklet fair.

So, Mr. Chairman I'd like a vote on the motion.

**LEG. SCHNEIDERMAN:**

On the motion.

**P.O. CARACAPPA:**

Legislator Schneiderman and Alden.

**LEG. SCHNEIDERMAN:**

I'm going to keep my comments very brief. I think everyone knows I've spent considerable amount of time studying this and trying to make sure that it was fair, not only for the people on Shelter Island, but both the North and South Fork, who really depend on these ferry systems to go between one fork and another, as well as tourists coming into the area and County residents at large.

I want to thank Mr. Clark for working with me. I have also Jim Spero and Kevin Duffy of the Budget Department. I drove them crazy with all my times walking in there without appointments, and they were very kind and sat down and answered all my questions.

I have submitted a letter, which I'd like to be made part of the record, March 23rd, 2004, it's dated, and it also includes a letter from Mr. Clark. And I have given a copy to the Clerk, so he has that. And with the agreements that Mr. Clark is making in his letter, I feel quite comfortable with the current ferry proposal and I will support it.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

Just for the record, how much of a difference is there between a resident and nonresident increase?

**LEG. SCHNEIDERMAN:**

They're both going up, but the -- but the resident increase is smaller than the nonresident increase. What typically -- what my constituents will buy is the roundtrip tickets. The ten-trip -- the ten-ticket book is going up, but Mr. Clark has agreed to not go up quite as high as he originally had said.

**LEG. ALDEN:**

Just how much was the -- how much is the increase for a resident, percentage-wise.

**LEG. SCHNEIDERMAN:**

There are different categories. You'll have to look at my table, because in some categories it's going up by more than others. Residents typically buy commuter passes. There's a five-day, a six-day and a seven-day, if they live on Shelter Island and they work off Shelter Island. If

they're not commuting five times a week, then they're going to buy the -- either the roundtrip book for residents, or they're going to buy the one-way book for residents.

**LEG. ALDEN:**

So, there's a 43% increase for a car and a driver.

**LEG. SCHNEIDERMAN:**

No, that -- that is for nonresidents.

**LEG. ALDEN:**

That's what I asked.

**LEG. SCHNEIDERMAN:**

Right. That is --

**LEG. ALDEN:**

What the difference is between --

**LEG. SCHNEIDERMAN:**

That is before you take in the -- take into account the elimination of the passenger fee. So, if you have two people with you in the car, you have two couples, in some cases, the fee is actually lower under this plan than it was. And, if more local residents from the North and South Fork, anyone who's a frequent user of this ferry takes the option, takes advantage of the option of buying the ten-ticket book, they will be very well served by this new rate schedule.

**LEG. CARACCIOLO:**

Legislator Alden, it's really no different than one who commutes on the Long Island Railroad and they buy a monthly computer --

**LEG. VILORIA-FISHER:**

Commuter.

**LEG. ALDEN:**

Commutation ticket.

**LEG. CARACCIOLO:**

You got it, commutation ticket. Got tongue-tied there. It's really the same principle. So, there are ways to save money, and that's the best way for somebody who's an occasional rider.

**P.O. CARACAPPA:**

Okay. All in favor? Opposed? Abstentions?

**LEG. O'LEARY:**

Mr. Chair.

**P.O. CARACAPPA:**

That's 1223 is approved.

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

I make a -- back to Legislator Crecca.

**LEG. CRECCA:**

Yes. Motion and a second already.

**P.O. CARACAPPA:**

There's a motion and a second to take 1227 out of order.

**LEG. O'LEARY:**

Which one?

**LEG. VILORIA-FISHER:**

1227.

**P.O. CARACAPPA:**

All in favor?

**LEG. FOLEY:**

Mr. Chairman, can we have a ten-minute recess, please, caucus recess?

**P.O. CARACAPPA:**

You can make a motion.

**LEG. FOLEY:**

Is it a motion, or is it at the acknowledgment of the Chair to have a recess?

**P.O. CARACAPPA:**

It's both.

**LEG. FOLEY:**

Mr. Chairman --

**P.O. CARACAPPA:**

It's either or.

**LEG. FOLEY:**

I'd like to ask a motion to recess for 15 minutes.

**P.O. CARACAPPA:**

Is there a second?

**LEG. MONTANO:**

Second.

**P.O. CARACAPPA:**

Roll call.

**LEG. FOLEY:**

Ten minutes.

**P.O. CARACAPPA:**

Ten?

**LEG. CRECCA:**

Ten, right?

**LEG. FOLEY:**

Ten minutes would be fine.

**P.O. CARACAPPA:**

Ten minute recess.

**LEG. FOLEY:**

Thank you.

**[THE MEETING WAS RECESSED AT 8:48 P.M. AND RESUMED AT 9:15 P.M.]**

**P.O. CARACAPPA:**

Roll call.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. CARACCIOLO:**

(Not present).

**LEG. SCHNEIDERMAN:**

(Not here).

**LEG. O'LEARY:**

(Not present).

**LEG. VILORIA-FISHER:**

Here.

**LEG. LOSQUADRO:**

Present.

**LEG. FOLEY:**

(Not present).

**LEG. LINDSAY:**

(Not present).

**LEG. MONTANO:**

Here.

**LEG. ALDEN:**

(Not present).

**LEG. CRECCA:**

(Not present).

**LEG. NOWICK:**

Here.

**LEG. BISHOP:**

(Not present).

**LEG. MYSTAL:**

Oh, thank you, sir. I love you.

**LEG. BINDER:**

(Not present).

**LEG. COOPER:**

(Not present).

**LEG. CARPENTER:**

Here.

**P.O. CARACAPPA:**



I'm here.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. O'LEARY:**

I'm here as well, Henry.

**MR. BARTON:**

Okay.

**P.O. CARACAPPA:**

What do we got, Henry?

**MR. BARTON:**

Eleven (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

I believe we have a motion before us, right?

**MR. BARTON:**

Yes. I need a second.

**P.O. CARACAPPA:**

We're going to put that motion aside for now. 1225. Do we have enough votes here? One, two, three, four, five, six, seven, eight. Would all Legislators report to the horseshoe?

**LEG. CARPENTER:**

We're here in a state of suspended ammunition, if anyone is wondering what's happening here. We're just going to sort of chill out for five minutes.

**LEG. BINDER:**

Motion to chill.

***[THE MEETING WAS RECESSED AT 9:19 P.M.]***

***[THE MEETING WAS RECONVENED AT 10:09 P M.]***

**P.O. CARACAPPA:**

We'll do another roll call, Henry.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. CARACCIOLO:**

(Not present).

**LEG. SCHNEIDERMAN:**

Here.

**LEG. O'LEARY:**

Here.

**LEG. VILORIA-FISHER:**

(Not present).

**LEG. LOSQUADRO:**

Present.

**LEG. FOLEY:**

(Not present).

**LEG. LINDSAY:**

(Not present).

**LEG. MONTANO:**

(Not present).

**LEG. ALDEN:**

Here.

**LEG. CRECCA:**

Here.

**LEG. NOWICK:**

Here.

**LEG. BISHOP:**

(Not present).

**LEG. MYSTAL:**

(Not present).

**LEG. BINDER:**

Here and ready to vote.

**LEG. COOPER:**

(Not present).

**LEG. CARPENTER:**

Here.

**P.O. CARACAPPA:**

Here.

**MR. BARTON:**

Nine (Absent: Legislator Tonna).

**LEG. ALDEN:**

Let's go home.

**P.O. CARACAPPA:**

Just like old times, Marty. Would all Legislators please come to the horseshoe so we can finish up the business of the people? Thank you.

At least one? That's all I need is one.

I don't want this to be in the press, I just want -- as the Presiding Officer of the body, I just want to apologize to everyone that's sitting in the audience. This is -- I'm ashamed and it's embarrassing and I apologize.

***(\* Still in Recess \*)***

***(\* The meeting was reconvened at 10:14 P.M. \*)***

**LEG. CARPENTER:**

Presiding Officer, why don't you try calling a roll call again?

**P.O. CARACAPPA:**

Mr. Clerk, why don't you try one more time.

**LEG. CARPENTER:**

Louder.

**P.O. CARACAPPA:**

Maybe you miscounted.

***(\* Roll Called by Mr. Barton - Clerk \*)***

**LEG. CARACCILO:**

(Not present).

**LEG. SCHNEIDERMAN:**

Here.

**LEG. O'LEARY:**

Here.

**LEG. VILORIA-FISHER:**

(Not present).

**LEG. LOSQUADRO:**

Present.

**LEG. FOLEY:**

(Not present).

**LEG. LINDSAY:**

(Not present).

**LEG. MONTANO:**

(Not present).

**LEG. ALDEN:**

(Not present).

**LEG. CRECCA:**

Here.

**LEG. NOWICK:**

I'm here.

**LEG. BISHOP:**

(Not present).

**LEG. MYSTAL:**

(Not present).

**LEG. BINDER:**

Here and ready to vote.

**LEG. ALDEN:**

Here.

**LEG. CARPENTER:**

Still here.

**P.O. CARACAPPA:**

That would be me.

**P.O. CARACAPPA:**

Announce ten, they'll come running in like bandits.

**LEG. CARPENTER:**

Here's Legislator Caracciolo. Clerk, do you want to call the roll again, I think I see another Legislator coming.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. CARACCIOLO:**

Here.

**MR. BARTON:**

Ten (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

Thank you.

**LEG. CARPENTER:**

Mr. Presiding Officer, do we have a quorum?

**P.O. CARACAPPA:**

We have a quorum.

**LEG. CARPENTER:**

We have a quorum, great. Let's do the people's business.

**P.O. CARACAPPA:**

We have a motion before us --

**MS. BURKHARDT:**

1225.

**P.O. CARACAPPA:**

-- which was

**LEG. BINDER:**

1227.

**LEG. CARPENTER:**

1227, Mr. Brady.

**P.O. CARACAPPA:**

1227.

**LEG. CRECCA:**

I'm going to --

**LEG. CARPENTER:**

We had a motion and a second.

**P.O. CARACAPPA:**

Skip over that?

**LEG. CRECCA:**

Well, I'm going to withdraw --

**LEG. CARPENTER:**

No, have him come up.

**P.O. CARACAPPA:**

Let's skip over that for now. Let's go back to ***1225-04 - Amending the 2004 Operating Budget and transferring funds for Touro Law School Family Law Clinic and creating a position in the Child Support Enforcement bureau (Binder)***. Motion by Legislator Binder, second by myself.

**LEG. BINDER:**

Wait a minute. Is Caracciolo coming in?

**LEG. CARPENTER:**

Did he leave again?

**LEG. ALDEN:**

Can I second that motion?

**P.O. CARACAPPA:**

Oh, second by Legislator Alden.

**LEG. CARPENTER:**

Roll call.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. BINDER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CARACCIOLO:**

(Not present).

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA-FISHER:**

(Not present).

**LEG. LOSQUADRO:**



Yes.

**LEG. FOLEY:**

(Not present).

**LEG. LINDSAY:**

(Not present).

**LEG. MONTANO:**

Here.

**MR. BARTON:**

Your vote, please.

**LEG. MONTANO:**

(CHECK HIS VOTE).

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

No.

**LEG. FOLEY:**

Motion to table 1225.

**P.O. CARACAPPA:**

There is a motion to table. Is there a second?

**LEG. CARACCIOLO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Caracciolo. Roll call.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. FOLEY:**

Yes to table.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

No.

**LEG. O'LEARY:**

No.

**LEG. VILORIA-FISHER:**

Pass.

**LEG. LOSQUADRO:**

No.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Nope.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

No.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

No.

**LEG. BINDER:**

No.

**LEG. COOPER:**

No.

**LEG. CARPENTER:**

No to table.

**P.O. CARACAPPA:**

No.

**LEG. VILORIA-FISHER:**

No.

**MR. BARTON:**

Four (Absent: Legislator Tonna).

**LEG. CRECCA:**

Mr. Chairman?

**P.O. CARACAPPA:**

Continue the roll call.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. COOPER:**

I'm sorry, this is to what?

**MR. BARTON:**

To approve.

**LEG. COOPER:**

Pass.

**LEG. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**LEG. CARACCIOLO:**

Nope.

**LEG. VILORIA-FISHER:**

Wait a minute. What are we voting on?

**LEG. CRECCA:**

To approve 1225.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. FOLEY:**

No.

**LEG. LINDSAY:**

No.

**LEG. MYSTAL:**

No.

**LEG. COOPER:**

No.

**P.O. CARACAPPA:**

Child Support Enforcement Bureau, people.

**MR. BARTON:**

Eleven (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

It's approved.

***1228-04 - Adopting a responsible plan for cost savings to mitigate anticipated 2005 budget shortfall (Crecca).***

**LEG. CRECCA:**

Mr. Chairman? I'm sorry, I know we passed over --

**P.O. CARACAPPA:**

Legislator Crecca.

**LEG. CRECCA:**

There was a motion to take out of order 1227; was there a vote on that, Henry, or no?

**P.O. CARACAPPA:**

No, there wasn't.

**LEG. CRECCA:**

I make a motion to --

**P.O. CARACAPPA:**

There's a motion to take 1227 --

**LEG. CRECCA:**

Actually -- yeah, take 1227 out of order, motion.

**P.O. CARACAPPA:**

Out of order, second by Legislator Carpenter. All in favor?

Roll call.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. CARACCIOLO:**

Abstain.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA-FISHER:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

No..

**LEG. LINDSAY:**

Abstain.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

Abstain.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

Abstain.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

Nine. (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

1228-04 - Adopting -- we'll skip over 1228, it's a CN.

**LEG. CRECCA:**

Yeah, I would ask that you pass over it.

**P.O. CARACAPPA:**

1230 --

**LEG. CRECCA:**

I also ask that you pass over that.

**P.O. CARACAPPA:**

Yes, skipping over 1230.

**LEG. BISHOP:**

Don't you need a vote to pass over?

**LEG. CARPENTER:**

No.

**P.O. CARACAPPA:**

These are the budget bills, we're going to do them through CN.

**LEG. BISHOP:**

Aren't they next in order?

**P.O. CARACAPPA:**

We'll skip over them for now. Economic Development:

**LEG. BISHOP:**

What is the authority to skip over it? I don't understand, it's on the agenda.

**LEG. ALDEN:**

He's the Presiding Officer.

**LEG. BISHOP:**

Where in the rules does the Presiding Officer have the authority to skip over a bill?

**P.O. CARACAPPA:**

Because they're CN's and we take CN's as a package at the end of the agenda, as is protocol of this Legislature; if you want to break the protocol, feel free.



**LEG. ALDEN:**

Bring up a vote to break the protocol, come on, Dave.

**LEG. CARPENTER:**

Overrule the Chair or whatever.

**LEG. CRECCA:**

Make a motion to overrule the Chair.

**LEG. BISHOP:**

No motion.

**P.O. CARACAPPA:**

Okay.

-

**Economic Development, Higher Education & Energy:**

***1164-04 - Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grants Program for Ivy Acres, Inc., 90% reimbursed by State funds and 10% funded from Ivy Acres, Inc., at Suffolk County Community College (Presiding Officer at the Request of the County Executive).*** Motion by myself.

**LEG. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Carpenter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***1165-04 - Accepting and appropriating a grant award from the State University of New***

***York for a Community College Workforce Development Training Grants Program for Suffolk County National Bank 90% reimbursed by State funds and 10% funded from Suffolk County National Bank at Suffolk County Community College (Presiding Officer at the Request of the County Executive).*** Same motion, same second, same vote.

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***1166-04 - Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grants Program for Audiovox Corporation 87% reimbursed by State funds and 13% funded from Audiovox Corporation at Suffolk County Community College (Presiding Officer at the Request of the County Executive).*** Same motion, same second, same vote.

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***1178-04 - Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grants Program for Alliance of Long Island Agencies, Inc., 68% reimbursed by State funds and 32% funded from Alliance of Long Island Agencies, Inc., at Suffolk County Community College (Presiding Officer at the Request of the County Executive).*** Same motion, same second, same vote.

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***1183-04 - Appointing Edna M. Gerrard to the Suffolk County Community College Board of Trustees (Caracappa).***

**LEG. CARACCILO:**

Roll call.

**P.O. CARACAPPA:**

Motion by myself.

**LEG. LOSQUADRO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Losquadro.

**LEG. FOLEY:**

Motion to table.

**P.O. CARACAPPA:**

Motion to table by Legislator Foley.

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Viloría-Fisher. Roll call on the tabling.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. FOLEY:**

Yes to table.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. CARACCILO:**

Yes.

**LEG. SCHNEIDERMAN:**

No.

**LEG. O'LEARY:**

No.

**LEG. LOSQUADRO:**

No.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Nope.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

No.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

No.

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

No to table.

**P.O. CARACAPPA:**

No.

**LEG. ALDEN:**

Say it again.

**P.O. CARACAPPA:**

No.

**MR. BARTON:**

Eight (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

Tabling fails.

There's a motion and a second before us for approval; roll call.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**P.O. CARACAPPA:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. CARACCIOLO:**

No.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA-FISHER:**

Abstain.

**LEG. FOLEY:**

No.

**LEG. LINDSAY:**

Abstain.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Abstain.

**LEG. MYSTAL:**

Abstain.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

Abstain.

**LEG. CARPENTER:**

Yes.

**MR. BARTON:**

Nine (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

1183 fails.

***1208-04 - Oversight of Francis S. Gabreski Airport to the Suffolk County Legislature (Schneiderman).*** Legislator Schneiderman, motion?

**LEG. BISHOP:**

Can I ask for an explanation of the bill?

**P.O. CARACAPPA:**

Well, let me get a motion first.

**LEG. SCHNEIDERMAN:**

Actually I want to defer to Counsel on this one. What the bill does is basically it takes --

**P.O. CARACAPPA:**

Is there a motion to approve, motion to table? Let's get a motion.

**LEG. SCHNEIDERMAN:**

I'm going to make a motion to table.

**P.O. CARACAPPA:**

Motion to table. Then you don't need an explanation tonight. Motion to table by Legislator Schneiderman, second by myself. All in favor?

**LEG. BISHOP:**

Can I have an explanation of the bill?

**P.O. CARACAPPA:**

Okay, on the motion, Legislator Bishop.

**LEG. SCHNEIDERMAN:**

On the tabling or on the --

**LEG. BISHOP:**

No, no, on the bill, on the substance of the bill.

**LEG. SCHNEIDERMAN:**

In the Omnibus bill last fall, in that bill there were provisions to take the fee setting authority away from the Legislature for Gabreski Airport and give it to Economic Development making it one of the only agencies setting fees in the entire County. Typically the fees are set by this Legislature, it's only way you can do budgeting because if a department suddenly changes fees it's going to change the revenues that are taken in by the County and will affect the budget. It makes sense for this body to have the oversight on fees. I don't know why it was done, it seems to conflict with the County's Charter. This corrects it, it allows Economic Development to recommend the fees, they still have -- since it's an airport their fees have to be approved by the FAA, but they also have to be approved by this body. That's all it does, it sets things back the way they have historically been and they should be in the future.

**LEG. BISHOP:**

I think those goals are admirable and I'll support the tabling because in the current environment tabling is a success. However, I was alerted that there may be technical defects with this piece of legislation.

**LEG. SCHNEIDERMAN:**

Yeah, we don't know whether there are or are not but I know that our Counsel is going to sit down with Economic Development and I guess the attorney for the County Executive and sort that out.

**P.O. CARACAPPA:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Yes, I had a question for Counsel regarding this bill. I believe that there was -- wasn't there -- it was a change on how fees were set, right; is that basically where it was going, Jay?



**LEG. SCHNEIDERMAN:**

What this -- what happened in the Omnibus bill is it gave all the fees and policies to Economic Development without any oversight by this board or any public input.

**LEG. VILORIA-FISHER:**

Okay. The reason I have --

**LEG. SCHNEIDERMAN:**

So this brings it back so that there's a public process.

**LEG. VILORIA-FISHER:**

Okay. The reason I have a question, perhaps I should ask Counsel.

In the first RESOLVED it says that "the 17th RESOLVED clause of Resolution No -- " yada, yada -- "are hereby repealed." And then in the -- under airport fees it again says that the fee structure as amended is repealed, but what's it replaced by? I don't see in the resolution where those items that had been repealed and then in the second RESOLVED again it refers to the Legislature amending or repealing such fees. So I'm trying to see where we have a replacement structure for those repealed elements.

**MS. KNAPP:**

Whenever you repeal something that is newly put into effect, then the law as it previously existed is reinstated. However, Carolyn Fahey called me yesterday and she had a question and we spoke about it and at the end of our conversation her question seemed to be resolved. This evening when she came in she had had further discussion and further question and I expressed an absolute willingness to look at the language and to change it so that Legislator Schneiderman's intent was fully implemented, and I expect that if everyone is acting in good faith that will happen by the next meeting.

**LEG. VILORIA-FISHER:**

So the answer to my question is that when it says repealed then it's understood that it reverts back to the original form; is that what you're saying?

**MS. KNAPP:**

(Shook head yes).

**LEG. VILORIA-FISHER:**

Okay, thank you.

**P.O. CARACAPPA:**

There's a motion to table and a second. All in favor? Opposed? Abstentions? 1208 is tabled.

**MR. BARTON:**

17 (Absent: Legislator Tonna).

***1218-2004 - Approving the appointment of Greg Schimizzi as a member of the Suffolk County Motion Picture/Television Film Commission (Presiding Officer at the Request of the County Executive).***

**LEG. SCHNEIDERMAN:**

Motion to table.

**LEG. COOPER:**

Second.

**P.O. CARACAPPA:**

There's a motion to table by Legislator Schneiderman. Is there a second?

**LEG. COOPER:**

Second.

**LEG. CRECCA:**

Second.

**LEG. ALDEN:**

Why are you going to table 1218?

**LEG. CRECCA:**

Oh, I'm sorry, I withdraw my second. I'm sorry, I apologize, I thought we were --

**P.O. CARACAPPA:**

1218, Legislator Schneiderman, table 1218?

**LEG. SCHNEIDERMAN:**

Table.

**P.O. CARACAPPA:**

And a second by?

**LEG. COOPER:**

I will second.

**P.O. CARACAPPA:**

Legislator Cooper. All in favor?

**LEG. BISHOP:**

What's this motion?

**P.O. CARACAPPA:**

This is to table.

**LEG. CRECCA:**

Roll call.

**LEG. CARACCILO:**

Opposed.

**P.O. CARACAPPA:**

Roll call has been asked for.

**(\*Roll Called by Mr. Barton - Clerk\*)**

**LEG. SCHNEIDERMAN:**

Yes to table.

**LEG. COOPER:**

Yes to table.

**LEG. CARACCILO:**

Nope.

**LEG. O'LEARY:**

No to table.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes to table.

**LEG. LINDSAY:**

No.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No to table.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

No.

**LEG. BISHOP:**

Yes to table.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

No.

**LEG. CARPENTER:**

No.

**P.O. CARACAPPA:**

No.

**LEG. CARACCILO:**

Motion to approve.

**MR. BARTON:**

Eight (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

Motion to approve and a second by myself.

**LEG. CRECCA:**

Is this on 1218?

**LEG. CARPENTER:**

It's on 1218.

**LEG. CARACCILO:**

Roll call.

**P.O. CARACAPPA:**

Roll call.

**(\* Roll Called by Mr. Barton - Clerk \*)**

**LEG. CARACCILO:**

Yes.

**P.O. CARACAPPA:**

No.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

No.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

I'm confused; this is to approve, right?

**P.O. CARACAPPA:**

Right.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

Abstain.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes

**LEG. BINDER:**

Abstain.

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

Abstain.

**LEG. CRECCA:**

Henry, change my vote to an abstain.

**LEG. ALDEN:**

Change mine to a not present.

**LEG. LOSQUADRO:**

Henry, mine to an abstain as well.

**LEG. SCHNEIDERMAN:**

What was the vote?

**MR. BARTON:**

Nine (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

1218 fails.

***1221-2004 - Approving the appointment of Clare Bisceglia as a member of the Suffolk County Motion Picture/Television Film Commission (Presiding Officer at the Request of the County Executive).*** Would it be safe to say same motion, same second, same vote?

**LEG. BISHOP:**

No, I would -- motion to table.

**P.O. CARACAPPA:**

Motion to table by Legislator Bishop.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Foley. All in favor?

**LEG. ALDEN:**

Opposed.

**LEG. CARACCIOLO:**

Roll call.

**P.O. CARACAPPA:**

Roll call.

***(\*Roll Called by Mr. Barton - Clerk\*)***



**LEG. BISHOP:**

Yes to table.

**LEG. FOLEY:**

Yes to table.

**P.O. CARACAPPA:**

Henry, just do names.

**LEG. CARACCIOLO:**

No to table.

**LEG. SCHNEIDERMAN:**

Pass.

**LEG. O'LEARY:**

No to table.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. LINDSAY:**

Yes to table.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

No.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

No.

**LEG. COOPER:**

Yes to table.

**LEG. CARPENTER:**

No.

**P.O. CARACAPPA:**

No.

**LEG. SCHNEIDERMAN:**

No to table.

**LEG. CARACCIOLO:**

Change my vote to a no, Henry.

**MR. BARTON:**

Seven (Absent: Legislator Tonna).

**LEG. BISHOP:**

Okay. Motion to approve then.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Motion to approve by Legislator Bishop, second by Legislator Foley.

**LEG. BISHOP:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Bishop.

**LEG. BISHOP:**

I know that we're all, you know, full of vinegar this evening, but perhaps we should take a second to actually read the resume of this person that some of us clearly are eager to vote down.

**P.O. CARACAPPA:**

Like Edna Gerrard's?

**LEG. BISHOP:**

Yeah, why don't we go over all the resumes --

**P.O. CARACAPPA:**

Was that one read?

**LEG. BISHOP:**

-- of all the applicants for all the boards.

**P.O. CARACAPPA:**

Exactly.

**LEG. BISHOP:**

Why don't we take a look at them and see who's qualified, who's not, who has a lot to offer and who came in out of strange circumstances.

Clearly, Ms. Bisceglia is somebody who is the typical person that you would want on a board of this type. This is somebody who has devoted their life to the performing arts, is clearly

accomplished in business, is well connected, the kind of person that probably wouldn't even mind that people walk out on her because she keeps a very positive attitude. But I'm going to go through it, let's go through the resume since some people don't want to do that.

Her philosophy is all the world's a stage, never more true than when she applied in business; "You must be out there dazzling your audience every day, making your product as compelling as it can be, getting the most attention for your programs and promotions and living your mission out loud." She's a senior executive with 25 years global experience, "I know how to keep the spotlight clearly focused on the message." She's the unexpected executive, "You wouldn't expect to find such a quick wit and style in such an astute business executive." She was an employee of the Coca Cola Company, she was an employee of Columbia Pictures. Most of the people that she's met in her career have three words for her, "She gets it," and she does get it. She has an enviable roladex which would be very important for fund-raising out here for the Performing Arts and to keep that community viable which, as you know, tourism depends a great deal on.

She's had a 25 year career, acquired a multi-faceted skill set that allows her to see the big picture and approach different problems in a unique way. She's produced television commercials, feature films, theater, fund-raising; she's been involved is the bottom line.

And I would just call your attention to her most recent activity, she is the Performing Arts Center of Westhampton Beach, the Executive Director; a Gaylord Entertainment/IMax Film Executive Producer; Tennessee Repertoire Theatre in Nashville, Executive Director; obviously accomplished in country music and motion pictures, dance, advertising.

Clearly this is somebody that we need to have on this board and to not offer the opportunity to simply table it to another day until cooler heads prevail speaks poorly of those who would do that. I understand that, you know, in the current environment maybe you don't want to approve her tonight, but to send a no message, what does that say?

It doesn't say anything negative about her, I can assure you, it says something negative about the people who would cast that vote. So I think that really the best course of action is we ought to take it slow tonight, we ought to -- if we don't have agreements then we ought to table so these things can live for another day. But to kill things in a fit of pique is deleterious to our fiduciary obligations to the people that elected us.

**LEG. CARPENTER:**

Mr. Chairman.

**LEG. BISHOP:**

And that's really what the crime is today. I think that -- I would ask the Legislators who are unwilling to see their way to approving this tonight to at least table it, we should go back and table the other one that we just voted down who is also an accomplished person and then at a later date when we can consider things on the merits and not in the maelstrom of politics, I'm sure these nominees would be approved.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. On this motion to table, as Legislator Bishop, just mentioned -- and I'll be making a tabling motion for the next resolution as well, 1110 -- I think we need to have a time to let cooler heads prevail. I believe that at the next regularly scheduled meeting of the Legislature a number of these appointment resolutions I think would be more favorably disposed at that particular time. So I would hope that we could table this resolution and we can go back to 1183 and table that one and the next resolution as well, so I would hope that we could work in that fashion.

There are other important resolutions in Parks & Cultural Affairs that we're going to be ready to support and I'm going to make a seconding motion on some resolutions in Parks & Cultural Affairs. But on these appointment resolutions, I think at the very least, and we've have done this before when we've had sharp disagreements on issues where we've at least tabled resolutions for one cycle, for appointments, that's not unusual, it's been done many a time and I hope that we could do that tonight. Thank you.

**P.O. CARACAPPA:**

Thank you, Legislator Foley. There was a motion to table.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

And a second.

**LEG. ALDEN:**

Roll call.

**P.O. CARACAPPA:**

Roll call.

**LEG. SCHNEIDERMAN:**

Which one is this, 1221?

**LEG. VILORIA-FISHER:**

1221, tabling.

**P.O. CARACAPPA:**

Tabling; did the table ail already? There is a motion to approve by Legislator Bishop and a second by Legislator Foley. Roll call.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. BISHOP:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Abstain.

**LEG. O'LEARY:**

No.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Abstain.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. CRECCA:**

(Not present).

**LEG. NOWICK:**

Abstain.

**LEG. MYSTAL:**

(Not present).

**MS. BURKHARDT:**

Oh, he's having a cigarette.

**LEG. BINDER:**

Abstain.

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

Abstain.

**P.O. CARACAPPA:**

No.

**LEG. CRECCA:**

(Not present).

**LEG. MYSTAL:**

(Not present).

**MR. BARTON:**

Mr. Crecca?

**LEG. CRECCA:**

Which one is this, 1221? No.

**MR. BARTON:**

Legislator Mystal?

**LEG. MYSTAL:**

Bishop told me to vote yes.

**MR. BARTON:**

Eight (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

1221 fails.

**Health & Human Services:**

***1110-2004 - Appointing Thomas Ockers to the Suffolk County Health Facilities Commission (Foley).***

**LEG. FOLEY:**

Motion to table, Mr. Chairman.



**P.O. CARACAPPA:**

Motion to table by Legislator Foley, second by Legislator Lindsay. Roll call.

**LEG. BISHOP:**

All right. Now, does anybody have a copy of Mr. Ockers resume?

Maybe we should read the resumes into the record before the tabling rather than on the approval.

**P.O. CARACAPPA:**

Go right ahead.

**LEG. FOLEY:**

Mr. Chairman, if I may.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. Many of us know Mr. Ockers over a period of years, he has appeared before the Health Committee as well as the General Legislature, particularly on issues regarding our County Health Centers. As we know, Brookhaven Memorial Hospital has over a 30 year relationship with the County Health Department in administering the South Brookhaven Health Centers, East and West. That particular hospital has been part and parcel of the County's mission to provide quality primary health care to many who otherwise wouldn't access that particular health care.

In more recent years, in tandem with the State government where both Family Health Plus, Child Health Plus, as well as a variety of other -- the WIC, Women, Infant and Children's Program; those have all been expanded at a number of our health centers. And Brookhaven Memorial Hospital is an important parcel of the expansion of those health programs by administering the South Brookhaven Health Centers.

Mr. Ockers is generally acknowledged as one of the most knowledgeable hospital administrators on Long Island. He is -- the appointment today is to appoint him to the Suffolk County Health

Facilities Commission; this is a follow-up to the appointment of Michael Sacca from Southside to that commission. This is a Facilities Commission, by the way, that will help all of Suffolk County in this particular regard.

We all know that our community hospitals are in pretty dire straights, that they need as much help as they can get in order to fulfill their mission. Through the Health Facilities Commission, it is a vehicle through which hospitals can borrow monies for their large capital projects far below the rate that they could otherwise borrow if they went on the traditional route. They can use this commission to borrow just slightly above what the principal is, at least half if not 70% less than what they would otherwise do. So again, this is an example of where the Health Facilities Commission, working in tandem with our community hospitals, can help provide the quality of service that's so important. It's important -- it's a large board. There are two board members who are supposed to come from the hospital field, if you will; we had a Southside representative who has a long time association, that hospital does with the Health Department, and again here we would have someone from a neighboring community hospital on the south shore that has an equally valuable relationship with the Health Department.

So it's in that regard that I had offered this resolution, it is something that has been supported by others in the past, the work of Brookhaven Hospital. So again, if it cannot be approved tonight, as we have done with many other very worthy resolutions, if we need to table it one round then let's table it one round and that's why I have the motion to table.

**LEG. BISHOP:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Bishop.

**LEG. BISHOP:**

I thank Legislator Foley for providing that background of Mr. Ockers. And I just would point out what an -- how this would undermine the good work that this Legislature has done over the last year-and-a-half or so to bring back from the {remorb/mamorb} in the Suffolk County Health Facilities Commission. This was relegated to the dusty books of the law shelf in recent years and it was really a lost opportunity. Because as Legislator Foley points out, community hospitals are

struggling every day, they're struggling under the oppressive regulatory scheme of the Federal Government and the State Government which more and more look to them as cash cows and get in the way of their mission of delivering quality health care to the community. And one of the tools that we have to assist them to overcome those problems is the Suffolk County Health Facilities Commission because it is able to provide beneficial financing to the hospitals.

And for that board to function effectively, and you're not talking about something that's nickle and diming, you're talking about millions of dollars of public funds -- whether it's a direct subsidy or indirect subsidy in this case because it's a better interest rate -- are at stake here. And it's important that the board have its full complement of officials, and Mr. Ockers meets the criteria clearly. He has an exceptional background in health care, he is a Suffolk County tried and true, he is a person that would add a lot to this board and allow it to get on with its important mission. But rather than table him until there's a time when cooler heads can prevail, in a fit of political, once again, the majority is going to kill him.

And what's the point, you ask? I don't know, why don't we ask the majority; what is the point? Why not simply table him until there can be a time when cooler heads can prevail?

**LEG. CARPENTER:**

Roll call.

**LEG. VILORIA-FISHER:**

Mr. Chairman, is there somebody waiting?

**P.O. CARACAPPA:**

You.

**LEG. VILORIA-FISHER:**

Thank you. That's very well put, Legislator Bishop. And while we're at it, what was the point of tabling the other --

**LEG. BISHOP:**

Killing it.

**LEG. VILORIA-FISHER:**

The other -- killing, rather, the other individual appointments. I'd like to read into the record the resume of Edna Gerrard --

**LEG. CARPENTER:**

Mr. Chairman.

**LEG. VILORIA-FISHER:**

Who's table --

**LEG. CARPENTER:**

A point of order, if you will.

**P.O. CARACAPPA:**

Point of personal privilege.

**LEG. CARPENTER:**

Personal privilege. Is it appropriate once a resolution, you know, is dead to be addressing it now?

**LEG. VILORIA-FISHER:**

I'm not addressing the resolution --

**LEG. CARPENTER:**

You are.

**LEG. VILORIA-FISHER:**

-- I'm addressing the issue of not voting on the merits and not permitting people with very -- including Mrs. Gerard's very accomplished resume to be tabled for one cycle.

**LEG. ALDEN:**

It's out of order.

**LEG. CARPENTER:**

I don't think I yielded, but --

**LEG. VILORIA-FISHER:**

Well, actually, I had not yielded.

**LEG. CARPENTER:**

And I don't want to get into a debate.

**LEG. FOLEY:**

Joe, come on.

**LEG. VILORIA-FISHER:**

I had not yielded, Legislator Carpenter. And a point of personal privilege was not called for since I said nothing about you personally.

**P.O. CARACAPPA:**

What's the point you'd like to make, Legislator Fisher?

**LEG. VILORIA-FISHER:**

The point that I'm making --

**P.O. CARACAPPA:**

On the bill before us.

**LEG. VILORIA-FISHER:**

-- on the bill before us is that we are not considering the merits of the bill. And to support that particular issue, I'm pointing out that we had other resolutions that could have been tabled for one cycle to wit Edna Gerrard, who has a page -- a resume in small print, one page, of her accomplishments. I don't think that I would be insulting anyone, Legislator Alden, if I were to read the accomplishments of Mrs. Gerrard.

**LEG. ALDEN:**

As long as you mentioned me, I think it's out of order; you're not talking about this bill that's in front of us.

**P.O. CARACAPPA:**

Legislator Viloria-Fisher?

**LEG. VILORIA-FISHER:**

Yes.

**P.O. CARACAPPA:**

I'd plead with you, if you want to talk on 1110, please let's talk on 1110.

**LEG. VILORIA-FISHER:**

Well --

**P.O. CARACAPPA:**

About Mr. Ockers.

**LEG. VILORIA-FISHER:**

I can tell you about 1110 that we have resumes before us for very worthy individuals, we should be considering these worthy individuals who are willing to give up their time, we should give them the kind of respect they deserve to at least table for one cycle. I would like to go back and reconsider the other resolutions that were defeated so that we could vote to table them for one cycle.

I would also like to point out, as Legislator Bishop has said, that hospitals are experiencing tremendous challenges at this point in time in our history and that we need worthy individuals to sit on the board and to discuss issues of merit. I suggest and strongly encourage that everyone support the tabling motion.

**P.O. CARACAPPA:**

Thank you. There's a motion to table and a second. Roll call.

**(\*Roll Called by Mr. Barton - Clerk\*)**

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. CARACCILO:**

Yes.

**LEG. SCHNEIDERMAN:**

No.

**LEG. O'LEARY:**

No.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

No.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yep, fine.

**LEG. BINDER:**

No.

**LEG. COOPER:**

Yes to table.

**LEG. CARPENTER:**

No.

**P.O. CARACAPPA:**

No.

**MR. BARTON:**

Eight (Absent: Legislator Tonna).

**LEG. FOLEY:**

Motion to approve.

**P.O. CARACAPPA:**

There's a motion to approve and a second --

**LEG. MONTANO:**

Second.

**P.O. CARACAPPA:**

-- by Legislator Foley and Montano. Roll call.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. FOLEY:**

Yes.

**LEG. MONTANO:**

Yes.



**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Abstain.

**LEG. O'LEARY:**

Abstain.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Pass.

**LEG. LINDSAY:**

Yes.

**LEG. ALDEN:**

Nope.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

No.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

No.

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

Abstain.

**P.O. CARACAPPA:**

No.

**LEG. LOSQUADRO:**

Abstain.

**MR. BARTON:**

Eight (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

It fails.

What I would like to do -- because I see a trend happening here and we all do and I see a little filibustering starting to take place -- I'd like to go to the CN's and take care of the very important business, and I think we all agree upon, and that's dealing with the budget shortfall for '05 and to do the CN's that are before us that deal with that.

**LEG. FOLEY:**

Mr. Chairman?

**P.O. CARACAPPA:**

I would hope that we could see the importance of this and over the political wrangling that's happened over the last hour-and-a-half, two hours, can be put aside so that we can do this because it's that important, we all know that.

So let's go to these now and get them done and then we can go back and handle everything else, but this has to be done now.

**LEG. FOLEY:**

It's your pleasure.

**P.O. CARACAPPA:**

***1228-04 - Adopting a responsible plan for cost savings to mitigate anticipated 2005 budget shortfall (Crecca).***

**LEG. CARACCIOLO:**

Motion to approve.

**P.O. CARACAPPA:**

Motion to approve by Legislator Crecca.

**LEG. LOSQUADRO:**

Second.

**P.O. CARACAPPA:**

Seconded by Legislator Foley.

**LEG. FOLEY:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Foley.

**LEG. FOLEY:**

Thank you. Well, first I'd defer to the prime sponsor.

**P.O. CARACAPPA:**

Legislator Crecca.

**LEG. CRECCA:**

I'll just answer any questions. The only reason I say that is the bill -- well, you want me to highlight the bill, Dave, is that what you want me to do?

**LEG. BISHOP:**

Yeah. I know that there have been several versions of them and I know that it went through a negotiation among the --

**LEG. CRECCA:**

Okay, the bill --

**LEG. BISHOP:**

-- majority, minority and the County Executive's Office and I just want to know if you can highlight for me what the result of that negotiation was.

**LEG. CRECCA:**

Sure. As of -- on March 15th there were changes made to the bill that I think most people are familiar with. What the bill does, it's probably best to just go through and highlight what it does also. It suspends pay-as-you-go for 2004 with the option to do it for 2005; it takes out 19,137,000 and change from pay-as-you-go, that money will then end up towards the fund balance for 2004.

In addition, it calls on the County Executive no later than 180 days to proceed with an auction of our surplus property. We have roughly, and please don't hold me to the number, well over 100, close to 150 parcels that are ready or near ready for auction and this will produce revenue mostly in 2005 and some in 2004. The fifth RESOLVED clause deals with bringing an action, directing the County Attorney to bring an action for claims for payment of out-of-County tuition for students attending third and fourth year classes at FIT, most people are familiar with that issue as we've discussed it before, this was added in at the request of the County Executive.

In addition, it refinances the County's existing debt, it calls for no more than 3.5 million dissavings in any given year and a net present value of at least 2.5% over the life of the issue which is the PV value. We believe that this is a reasonable amount of dissavings and we have an agreement with the County Executive that this is about as far as we'd like to push the dissavings as far as a maximum, certainly we can do less. And that obviously results in tremendous savings to the County for both 2004 and 2005 as well as future years after that.

If we pass this bill tonight we will also pass or need to pass a bonding resolution authorizing the issuance of those bonds for the refinance so that we can take advantage of the low interest rates

right now which are, again, at record lows. We have actually had some good movement in the interest rates in the last several weeks that make this even more attractive than it was originally when we first started looking at it with the County Executive.

In addition, it cuts appropriations for supplies, materials and equipment by 5% both in 2004 and as a policy statement that will do it in 2005. It abolishes vacancies similar to what the County Executive did for significant savings, those vacancies don't involve any filled positions. It abandons some of the resolutions regarding medical malpractice which would have resulted in significant costs for the County and will save millions upon millions of dollars. And I have a commitment from the County Executive, and I've spoken with Legislator Fisher, Vilorio-Fisher and others about this, that they will move towards renegotiating the malpractice insurance policies and we still will correct this problem, this is just not the right way to do it.

That's basically the highlights of the bill. It takes money, you know, some surplus monies that we have in other accounts and moves them into the fund balance. Bottom line is it results in a total savings, this bill, of about \$89 million, and that's over a two year period, over both '04 and '05 if we continue on this trend.

**LEG. BISHOP:**

Now, I have a number of questions but I just want to -- one question I have is there was a Legislative proposal earlier that you had; how is this different than the proposal that you had?

**LEG. CRECCA:**

This Legislative proposal?

**LEG. BISHOP:**

Yeah.

**LEG. CARPENTER:**

This is it.

**LEG. CRECCA:**

This is --

**LEG. BISHOP:**

Well, than the original one filed.

**LEG. CRECCA:**

We increased the amount on the refinance plan.

**LEG. BISHOP:**

The refinancing.

**LEG. CRECCA:**

Well, actually the original one we had very similar figures from the original County Executive's which resulted in dissavings as high as 12, \$13 million in given years for a number of years, so we actually reduced that, the dissavings, to only 3.5 million. And while we net a little bit less in savings in the up front years, we still get significant savings with this plan and we don't create a problem for ourselves in later years on our debt. So that's different.

In addition, the Mandamus Act -- well, I shouldn't say the Mandamus action, the action against FIT was not in our original bill, that is in here. There was a technical error on one of the striking of the -- striking of one of the old pieces of legislation regarding the malpractice that was left out of our original bill. So those are the actual corrections that took place after that.

**LEG. BISHOP:**

Okay. On the second RESOLVED the pay-as-you-go, there is no -- there is nothing in this legislation, there is no RESOLVED clause I should say, that would mandate that if we take the money from the pay-as-you-go fund and -- it's tough to concentrate. If we take the money from the pay-as-you-go fund and spend it on deficit reduction or on this plan, than we wouldn't -- that we could not then borrow to do those projects later on.

**LEG. CRECCA:**

The answer is -- if I understand your question, the answer is yes. What it does is it takes the 19 million this year and strikes the appropriation; by doing that, what you're really doing is you're adding \$19.1 million to the fund balance.

**LEG. BISHOP:**

Right.

**LEG. CRECCA:**

So that you should theoretically end up, if everything else stayed even you'd end up with an extra \$19.1 million at the end of the year in surplus, so by doing that you guarantee that.

Now, to answer your question, what I think your question was, does that stop us from doing things under pay as you go? We would have to bond for those things which we've done in the past, especially with the low interest rates, now if we have to do that now is a good time to do it. The other option you can do, too, is you can do that and then obviously you always have other options if things really turn out to float notes and things like that.

**LEG. BISHOP:**

Right.

**LEG. CRECCA:**

Which we've done in the past.

**LEG. BISHOP:**

It's my understanding that even taking advantage of the best paper that's out there which I understand is a three year rolling note and the interest rate is 1% or so, that if you were to borrow and fund \$19 million worth of projects, over the next three years you'd have to pay back six or \$7 million a year over the next three years. So when you borrow on these projects, you're just deferring the bill to a later date and you're -- in effect, what I'm providing is a warning to my colleagues that if you're going to do this, if you're going to go down the route of defunding pay-as-you-go, then you have to make a simultaneous commitment not to borrow to fund those projects otherwise you're completely frustrating the initiative that you undertook.

**LEG. CRECCA:**

Dave, just to respond to that.

**LEG. BISHOP:**

And I'm disappointed that neither yourself or anybody who was involved in crafting this legislation saw to it that there was a RESOLVED clause to that effect; and I know the Executive is equally to blame for that.

**LEG. CRECCA:**

Well, can I just respond?

**LEG. BISHOP:**

Sure.

**LEG. CRECCA:**

And not in a negative way. I understand what you're saying and in talking about this bill, both with my colleagues and also with the County Executive's Office, understand that there is flexibility to do that. There's also flexibility, as we did last year, where we took care of some of those things that were bonded but never actually went out and issued the debt so we didn't have the debt, we dealt with it because we ended up with a significant surplus.

So while we adopt the second RESOLVED clause or the suspension of pay-as-you-go appropriations for this year, we do leave ourselves the flexibility, A, not to bond like you're talking about. But I don't think anybody was comfortable, certainly the County Executive wasn't, completely closing out our ability to bond some of those things if we had to.

**LEG. BISHOP:**

Right. Well, the other --

**LEG. CRECCA:**

But it's a valid point.

**LEG. BISHOP:**

-- point, and Legislator Lindsay makes it frequently, is that even if you feel you have to do some projects, there should be a priority list. And today we encountered the first argument that always comes up when you have a priority list, people will say there are lives at stake, no matter what -- almost inevitably, no matter what Suffolk County does, unless it's in the area of economic development, what you're dealing with is public health and public safety. So whether it's mosquito testing or road repair or any of the functions of County government, you're inevitably going into the ambit of public health, public safety and you run into the argument that if you don't go forward with the project lives are at stake.

And so what I don't want to see and what I hope does not occur in the weeks ahead is that we



have a plethora of projects that we need to have -- that the arguments are made that we need to fund and we need to borrow to fund them and then the next thing you know we're at six, \$7 million a year and our pay-as-you-go funds are nothing really towards deficit reduction than more towards deficit deferral. And that's the situation that Nassau County found itself in and New York City before that and I'd hate to see us go down that path.

**LEG. CRECCA:**

Legislator Bishop, again, I just want to respond very quickly.

**LEG. BISHOP:**

Sure.

**LEG. CRECCA:**

If you don't mind, I know we're going back and forth, just to sort of speed things up a little bit, too. But the Budget & Finance Committee, as you know, is the first level of scrutiny there and we are committed to that. And there was great debate over that one bill and we did hold back other bills but were considering funding those either in different ways or through pay-as-you-go, we haven't closed the door on some of those, but the bottom line is that is the intention and hopefully we have the fortitude to carry that.

**LEG. BISHOP:**

I hope so. On the third RESOLVED clause, the 150 parcels, it seems almost too good to be true. Am I to assume than in other years that we had these parcels and didn't auction them off? I thought that County Executive Gaffney had an aggressive auction --

**LEG. CRECCA:**

The last time we auctioned property was 2002, we are at least two years from our last auction. In 2002 we auctioned off approximately 150 parcels and we netted, even taking out the Toussie properties, over \$9 million to the County as a result of that auction. I don't make any representation that we'll get \$9 million, we actually used much more conservative numbers; Budget Review did that so we weren't -- we didn't want to overestimate. But I'm confident and I believe that -- and I think the County Executive is committed, if he acts quickly on this and holds an auction within the 180 days, I believe that we will net at least what we've said here.

**LEG. BISHOP:**

Right. So what did we say here, four million?

**LEG. CRECCA:**

Jim, what did we use, six million over the two years, five million over the two years? Five million over 2004 and 2005; I think that's a conservative estimate.

**LEG. BISHOP:**

And so this is not any extraordinary policy, this is just a reactivation of our standard auctioning procedures from the past that were suspended.

**LEG. CRECCA:**

Yeah, it was suspended because of the Toussie litigation and also some of the things the Legislature did to revamp it. But we should be ready to go, I understand the auction rules have been redrafted and should be ready for the Legislature to look at soon; I would hope so at least.

**LEG. BISHOP:**

Okay. On the fifth RESOLVED clause, the issue of a lawsuit against the State of New York, which is always one my favorite legislative postures. In this situation, I know that I had filed a bill, I think that you were my cosponsor on it, to bring a lawsuit against New York State and then it's in here as well. So --

**LEG. CRECCA:**

I asked for a --

**LEG. BISHOP:**

Is there any reconciliation of the two initiatives and is there any -- are they mutually exclusive?

**LEG. CRECCA:**

Well, I asked for a CN on your bill tonight. There was a preference --

**LEG. BISHOP:**

By the Executive to do it --

**LEG. CRECCA:**

By the Executive to do it in this bill and there was also a preference expressed from the Minority Leader on behalf of the caucus that it be in this bill and so we honored that commitment. But I think either way I think this is a good idea and that's why it's in this bill.

**LEG. BISHOP:**

Well, they may both be wrong, the County Executive and the Minority Leader, if this is their preference. Because as I understand it, the bill that was prepared by Legislative Counsel at my direction had a myriad of options and this seems to be more narrowly tailored and called specifically for a Mandamus action.

**LEG. CRECCA:**

I did prefer your bill and I certainly would support your bill as it would give us more options, but this is -- both accomplish the task that we wish to accomplish.

**[RETURN OF COURT STENOGRAPHER - LUCIA BRAATEN]**

**LEG. BISHOP:**

Okay. Now, on the debt refinancing, you know, when I was in the Finance Committee with you and we had the presentation from the financial consultant and --

**LEG. CRECCA:**

Rich Tortora, who's --

**LEG. BISHOP:**

Rich Tortora.

**LEG. CRECCA:**

-- with us this evening.

**LEG. BISHOP:**

Right. And that was an -- that was an excellent presentation, and it raised some serious concerns about what would happen on the out-years, as they say, or the dissavings years, and it seems like you've certainly modified that to level it down. So, my understanding now is that there will be years where there is dissavings. In other words, we're going to be paying more later on than we're saving now, or we're -- it's a debt savings overall? Give me the perspective

on --

**LEG. CRECCA:**

Sure.

**LEG. BISHOP:**

-- the long -- the short-term benefit versus the long-term pain.

**LEG. CRECCA:**

Okay. The short-term benefit is you get some -- more money up front. Okay? In the first two years of this bill, it's roughly -- and, again, these are guesstimates, because you don't know, it depends on what you get in the market that day, but for a round number, about 15 million dollars can be saved in the first two years, if you were to maximize to a 3.5 million dollars in subsequent years, maximum dissavings. Understand, that doesn't mean every year after that that you have 3.5 in dissavings. But we felt comfortable that by the max that we felt comfortable pushing, after talking with the County Executive, and after meeting again with -- for a second time post that meeting with Joe Sawicki and Joan Sikorsky of the Comptroller's Office. We met with CMA Financial Advisors, specifically Rich Tortora and Bill { Gallasso}. We also had all of the -- our Budget Review people, and we all felt that this was about as far as you could go to get upfront savings and still be reasonable.

**LEG. BISHOP:**

So, how much are we -- we're recognizing 15 million -- the benefit to this is 15 million dollars in the next two years?

**LEG. CRECCA:**

Yeah, just -- but I want to make it very clear, yes, the benefit of it is 15 million in the next two years, but you should understand, that could go up, that could go down.

**LEG. BISHOP:**

Depending on the interest rate or --

**LEG. CRECCA:**

Depends on the -- what they get in the market that day. What's really more important is what you're giving is you're giving here the Joint Audit Committee the discretion to go out, but you

have to give them some guidelines and parameters. And the parameters here are saying don't do any more dissavings in any given year of more than 3.5 million dollars. And then, by doing that, they may come back with a plan that only has 2 million dollars maximum in dissavings later on. They have that flexibility, because --

**LEG. BISHOP:**

Okay.

**LEG. CRECCA:**

-- you're going to have a plethora of products offered to them. And what their job is going to be to do is to analyze that, pick the best one based on the market conditions at a given time. And I'm confident, especially after working with them for the last several weeks, that between the Comptroller, the Treasurer, the Budget Office, and the Budget Review Office, and working with our financial advisors, and even Ernst and Young came in and commented on this. I'm really confident that they're going to pick a plan that really works best for us.

**LEG. BISHOP:**

Well, notwithstanding my objections regarding the 5-25-5 issue, I think that this final product is one that we should all support. Obviously, we're facing a fiscal crisis of some significant magnitude, and it's important that we demonstrate to the State of New York that we're serious at the local level of doing everything we can to overcome that. And, obviously, a bipartisan, unanimously supported resolution of this type would go a long way towards sending that signal to New York State that they should get their act together in a bipartisan fashion and support mandate relief for localities, and not simply passing along the cost of their programs to local property taxpayers. So, I congratulate everybody who was involved, particularly Mr. Pollert, because I know that I see his intellectual work product and I appreciate it. Thank you.

**LEG. CRECCA:**

Actually, I just want to add to that, if that's all right, Presiding Officer.

**LEG. BISHOP:**

And Mr. Spero as well.

**LEG. CRECCA:**

Yeah. I was going to say, I really have to commend Jim Spero and the Budget Review Office,

too --

**LEG. BISHOP:**

Mr. Lipp.

**LEG. CRECCA:**

-- because there -- this really was a combination of good ideas from both sides, and was a collaborative effort --

**LEG. BISHOP:**

The Reinheimer.

**LEG. CRECCA:**

And they worked very hard on it, in very -- in a very short period of time, so I thank you.

**LEG. BISHOP:**

Mr. Knappe. Success has many fathers.

**P.O. CARACAPPA:**

Legislator Foley, then Alden.

**LEG. FOLEY:**

Thank you. This is something that should -- really should be the highlight of the evening. The fact of the matter is it's an example where over a period of weeks, if not months, there was true bipartisan work on this particular resolution, first the County Executive, then the Majority Conference, and then when the Minority Conference became involved with this process. So that we would do something today, which, by the way, at a meeting last week, and it should also be made part of the record, that -- Mr. Chairman, can I have some order here, please?

And it should be paid -- made part of the record, since we're thanking a number of people, which we should, because this really is an unprecedented savings of monies that we need to do because of the unprecedented nature of the crushing State mandates that we have to shoulder. But what was really key here was to have unanimity on our approach to this resolution in order to have a strong bipartisan voice sent to the bond rating agencies. And it was a guiding voice in this particular issue last week that really focused us in a way that needed to be focused, and

that's when the Comptroller, Joe Sawicki, had said to us at a meeting at the Presiding Officer's Office, that we need to have a unanimous vote on this in order to send a clear message to the bond rating agencies.

So, for those who are still harboring as of late as last week maybe some partisan points to be raised today, I think when the Comptroller stepped forward, said those particular remarks about the need to have unanimity, I think that also helped us clear the decks, so that we did the right thing.

So I'm very supportive of not only the resolution, but the work of all the leadership involved with this, Majority, Minority, the Comptroller's Office, Executive Levy, the Presiding Officer, Budget Review Office, Executive's Budget Office, and a whole host of others, where we came together. And let this resolution be a reminder to us of what we can do together, and, hopefully, will do together, if not for the remainder of this evening, but also in subsequent meetings as well. Thank you, Mr. Chairman.

**P.O. CARACAPPA:**

Thank you very much for those eloquent words, Legislator Foley. Legislator Alden.

**LEG. ALDEN:**

Can I get a little bit more of an explanation on the Eleventh Resolved Clause, medical malpractice?

**LEG. CRECCA:**

You want to do that? If it's all right, Jim, would you mind taking that one?

**MR. SPERO:**

Yeah. This will suspend the two resolutions that were adopted late last year that would attempt to have the hospitals that run our health centers take on medical malpractice insurance, and the County would get away from self-insuring this cost, this liability. By repealing the resolutions, it's anticipated we -- the County could save 6 million dollars in 2005, and because of the estimated cost of the medical malpractice insurance. The reason -- and thereby we would go back to self-insuring for that liability cost.

**LEG. ALDEN:**

So, what we've done here is --

**MR. SPERO:**

So we're going to continue to assume the risk.

**LEG. ALDEN:**

So, before, what we did last year, we passed resolutions that would have pushed it back onto the hospitals to run our clinics to get some kind of insurance and indemnify the County.

**MR. SPERO:**

So, to preserve --

**LEG. ALDEN:**

I'm just going to point something out --

**MR. SPERO:**

Okay, go ahead.

**LEG. ALDEN:**

-- because it was pointed out to us that some of the lawsuits that were coming against us were a lot more than the liability insurance would have been, i.e., you just said 6 million dollars in savings. Well, the indication is that there's probably double or triple that amount of medical malpractice claims that are out there.

**MR. SPERO:**

But those claims occur over a number of years, and last year was an extraordinary year in the amount of claims the County had to pay.

**LEG. ALDEN:**

Didn't we just bond?

**MR. SPERO:**

The difficulty is, when you want to make the switchover, you have to pay the claims for the insurance, while, at the same time, you want to preserve the services at the health centers and not cut back the amount of money you provide to the health centers, because you're now paying



medical malpractice insurance, or the hospitals are paying the medical malpractice insurance.

**LEG. ALDEN:**

But we're also not -- like an insurance company would do, they put reserves away, right, for future losses, we're also not doing that.

**MR. SPERO:**

The County hasn't done that in years.

**LEG. ALDEN:**

Right, okay. So --

**MR. SPERO:**

It's something we should do, but we haven't done it.

**LEG. ALDEN:**

We run a little bit of a risk on that. Now, just getting back to the -- how much is the outstanding authorized debt for the County?

**LEG. CRECCA:**

Two hundred and seventy-nine million.

**MR. SPERO:**

Authorized, but unissued, debt?

**LEG. ALDEN:**

Authorized, but unissued.

**LEG. CRECCA:**

Oh, I'm sorry.

**MR. SPERO:**

That's over 300 million dollars.

**LEG. CRECCA:**

Sorry.

**LEG. ALDEN:**

Over 300 million? Okay. Then I'm not so sure, you know, like what we're going to do later on in the year or next week or next month, but what we've done by eliminating the 5-55 -- 5-25, right, 5, we've pretty much made a statement that we're going to end up going and going out and get more debt on that. So that was -- how much of a savings do we project in this, 17 million?

**P.O. CARACAPPA:**

Nineteen.

**LEG. CRECCA:**

Nineteen million in 2004, and another 19 million --

**MR. SPERO:**

Nineteen. In the pay-as-you-go, it's nineteen-one this year --

**LEG. ALDEN:**

Okay.

**MR. SPERO:**

-- and nineteen-eight next year.

**LEG. ALDEN:**

So, I have a concern about that, because there's almost 20 million dollars each year that we're going to end up going and bonding.

Now, all this makes a lot of sense, but it also borders on a Hail Mary, pass, because, if think that in 2005 and 2006, those are the only two years that we're going to have any financial problems, then this type of action, where you're actually mortgaging your future, and you're spending your cash flow from the future, you're spending it today, this does make a little bit of sense, if that's what you think. But, if we're wrong and we have -- we have financial problems that go out beyond 2005, 2006, 2007, maybe into the tens and the teens, then this really does borderline on a Hail Mary pass. So, I'm going to caution my fellow Legislators that, you know, to take this

kind of action, you really are mortgaging the future, and that -- when you're in financial difficulties and if you're -- in your private life, you don't go out and mortgage your future, you know, as you become more and more insolvent, you just get yourself into more and more of a deeper hole.

**LEG. CRECCA:**

You're talking about with regard to the pay-as-you-go.

**LEG. ALDEN:**

Regarding -- there's a couple of things in here that really, you know, are gambles, as far as I'm concerned. And I would hope that the Joint Audit Committee would just take all of our opinions, and some of them might differ, but we're saying here --

**LEG. CRECCA:**

The maximum.

**LEG. ALDEN:**

The maximum, \$3,500,000. I would hope that that would be zero, because the most fiscally responsible thing that we can do is not go and mortgage the future. So, the more flat line as far as we get on the debt, I think the better off we're going to be. So, I would hope that when the committee meets, that they would probably stay closer to zero, rather than go up to that three, whatever it is, 3.5 million dollars. Thank you.

**P.O. CARACAPPA:**

Thank you, Legislator Alden. Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Thank you, Mr. Chair. I'd like to thank Legislator Crecca, because I know he's been really working very hard on this, and that -- and when I spoke to the County Executive today, and both he and Legislator Crecca indicated how hard they had been working together on this, and as well as the Presiding Officer. So, I thank all of you who have been involved in --

**P.O. CARACAPPA:**

Thank you.

**LEG. VILORIA-FISHER:**

-- constructing this document, which is very important. The issue I wanted to discuss, as Legislator Crecca had indicated, I discussed with him earlier today, and I also discussed it with the County Executive, and Legislator Alden has just referred to that, which is the medical malpractice, because I served on the Ways and Means Committee for a couple of years and I saw the kinds of awards that were involved, and the indebtedness that was a result of those.

And so, when I spoke with Legislator Crecca and the County Executive, I indicated that we should continue to try to craft a bill that will help us to address the malpractice issues. Some of the issues that we addressed last year in the resolutions that were passed late in the year involved the ability of the County to hire and fire, but those -- that authority, which now rests in the hospital that hires the medical practitioners. It seems that the contract process with the health centers and the hospitals that act on our behalf don't have a consistent pattern, and that was one of the issues that we had to address last year, the hospital -- were you on Ways and Means, Cameron, last year?

**LEG. ALDEN:**

I just came to some meetings, I wasn't on it.

**LEG. VILORIA-FISHER:**

Okay. The hospital and the Health Department both came before Ways and Means and explained to us that they were unable to meet the time line that was stipulated in the resolution, because the contracts with each health center and hospital were unique to that particular health center. So, what we have to try to do in the future is to have a uniform -- is to have a uniform process, so that we know how each health center is dealing with the hiring and firing, and what kind of say we have, because we had had situations where we saw practitioners who came before us whose names came up over and over again in our executive sessions. Andrew, you were a witness to that. We have to look at that. We have to look at various other components of the contracts.

So, Legislator Crecca has made a commitment to help me work on that, as has Legislator Caracciolo, because, as members of the Ways and Means Committee last year, we did see where this fell short, so -- but the resolution last year I think might have had some defects in it. We learned that later on when they -- when it was -- when the hospitals and the Health -- Department of Health did try to implement them.

So, we will be working on it this year, and, you know, you're welcome to work with us and see how we can craft a bill that will be workable that will save us money in the long run, because, you're right, we have to look at the long run and not just what we're saving this year. Right now, this is the way to address it, because we don't have a bill that's workable at the moment, but I'll work with you and anybody else to craft a better bill for next year.

**P.O. CARACAPPA:**

Thank you very much.

**LEG. VILORIA-FISHER:**

Thank you, Mr. Chair.

**P.O. CARACAPPA:**

Legislator Lindsay, then Montano.

**LEG. LINDSAY:**

Really, I want to echo a lot of what's been said already. I want to thank everybody who worked on this, including Legislator Crecca, and Foley, and Budget Review, and whatever. And, you know, what Legislator Alden talked about, you know, I know tomorrow it will be billed that this is the greatest debt reduction that Suffolk County has ever done, but, to a certain extent, I agree with Legislator Alden, we're putting off a lot of the expenses for tomorrow.

And I support the initiative wholeheartedly, because in today's atmosphere, I don't think we have any other choice but to go down this road, but don't let anybody be mistaken about what we're doing here. And what I said before about fiscal restraint, we should keep in mind all year long, and especially prioritization of what we do with the limited money that we have.

**P.O. CARACAPPA:**

Thank you very much, Legislator Lindsay. Legislator Montano.

**LEG. MONTANO:**

Yes. I would like to join with my colleagues, and also echo some of the comments that Legislator Lindsay made. I, too, have some reservations with respect to what we're doing, particularly since it's my first year, first three months in the Legislature, and the consequences

of what we're doing are serious for the -- for down the road. But I did have a couple of questions, because although I appreciate having been, you know, informed as to how the progress was going, I don't know that I was intimately involved in the details the way I would have liked.

But I did have a question with respect to the Eleventh Resolved Clause that Legislator Alden addressed earlier, having to do with the medical malpractice. And, Jim, I just want to be clear that I heard that the premiums were six million a year that were covered by these two resolutions that were passed last year; is that essentially what we're --

**MR. SPERO:**

Yeah, that's right.

**LEG. MONTANO:**

So, it's 6 million --

**MR. SPERO:**

So, it would cost about -- if you want to maintain services in the health centers, it would cost about 6 million dollars to maintain those services and buy malpractice insurance.

**LEG. MONTANO:**

Per year.

**MR. SPERO:**

Right. So, if we continue on the route of being self-insured, we won't incur that 6 million dollars, because, simultaneously, we're also on the -- the County's also liable for all the claims that are currently filed.

**LEG. MONTANO:**

Okay.

**MR. SPERO:**

So, it's like sort of a double whammy when you try to make the switch-over to the -- back to insurance.

**LEG. MONTANO:**

Right. So -- just so I'm clear, on the one hand, we're anticipating.

6 million dollars per year in savings, but the question I have is that since these medical malpractice claims take a long time between the time that the claim is filed and the time that the claim comes to court, municipalities and agencies, insurance companies generally have, aside from the reserve, they generally have an idea of what their exposure is per year based on their analysis of the cases. So, what I'm asking is, essentially, in crafting the bill that we have before us, and particularly this resolution -- this resolved clause, the Eleventh, has the Budget Review Office or the County come up with a -- some ballpark figures in terms of what our exposure is on that, because I'm not aware of it?

**MR. SPERO:**

No, we haven't. Perhaps the County Attorney's Office could try to estimate for the Legislature what the value of those claims might be based on their knowledge of the cases that are currently pending.

**LEG. MONTANO:**

Well, right. But then the point being that the 6 million dollar -- 6 million dollar savings per year could essentially be wiped out by one hit on a medical malpractice claim that's been in the pipeline for a couple of years; is that accurate?

**MR. SPERO:**

It could.

**LEG. MONTANO:**

Maybe --

**MR. SPERO:**

We had one claim last year for 8 million dollars, but that was -- you know, as you pointed out, it takes years for these claims to come to finality.

**LEG. MONTANO:**

Maybe, if I could address this to Legislator Crecca. In crafting this part, Andrew, Legislator Crecca, do you have -- do we have any clue as to what our exposure is on our medical malpractice aspect of it, or something that we really hadn't been able to get to?

**LEG. CRECCA:**

Yeah, two things. Number one is, even if we did, I don't think it's appropriate to state it outside of executive session.

**LEG. MONTANO:**

Okay. I accept that.

**LEG. CRECCA:**

And that's not directed at you. I just --

**LEG. MONTANO:**

No, I accept that.

**LEG. CRECCA:**

We do handle that in Ways and Means and try to forecast a little bit into the future, but it doesn't help if, you know, this record is made public and then there are -- we have lawsuits pending against us. People can try to use that in figuring out how they're going to settle cases with us. But there's no question that this was an attempt to fix something that's broken, the Guldi bills on the medical malpractice and it's still broken. This is not the right way to fix it. And the way to fix it is, is to let the County Executive make attempts to renegotiate some of these contracts we have with the hospitals over the next six or seven months. In the meantime, our Ways and Means needs to work on ways with the County Executive's Office to fix this into the future to reduce our medical malpractice costs. But, right now, we need to eliminate these. We'll have some short-term savings for that, and, at the same time, we can still fix the problem. So, it's all -- this is really a win-win.

**LEG. CARACCILO:**

Mr. Chairman.

**LEG. MONTANO:**

Thank you very much. I appreciate the -- sharing that with me.

**P.O. CARACAPPA:**

Legislator Caracciolo.



**LEG. CARACCIOLO:**

Thank you. With respect to the issue of refinancing County debt, what is the actual cost savings?

**P.O. CARACAPPA:**

In total?

**LEG. CARACCIOLO:**

In total.

**P.O. CARACAPPA:**

Over the length of -- it's -- you can't pinpoint a number right now, because all we're -- we can give estimates or guesstimates.

**LEG. CARACCIOLO:**

All right. Could we have maybe the Comptroller come up, or Rich Tortora and --

**P.O. CARACAPPA:**

We'll have Mr. Tortora come on up.

**LEG. CARACCIOLO:**

Okay.

**P.O. CARACAPPA:**

And first of all, let me just say, Rich, thank you for coming. We certainly appreciate it.

**MR. TORTORA:**

You're very welcome.

**LEG. CARACCIOLO:**

Rich, if you can just summarize what actions are actually being taken into act here in this Sixth Resolved Clause in refinancing County debt.

**MR. TORTORA:**

Without having the resolution in front of me, I'll just address the refunding. What we're looking at, as a number of the officials have said previously, this is the best educated guess we could make based on present market conditions. We were recommending refunding that would have you refund 18 separate series of outstanding County bonds. Under the scenario that we ran last week based on those market conditions, the gross savings over the life of the issue would be approximately 15.4 million dollars.

**LEG. CARACCILOLO:**

Okay. Earlier, we heard comments with regard to the three-and-a-half million dollars dissavings that's incorporated in this proposal.

**MR. TORTORA:**

That's correct.

**LEG. CARACCILOLO:**

But one has to really look at the total and --

**MR. TORTORA:**

Certainly.

**LEG. CARACCILOLO:**

-- it's a plus, not a negative.

**MR. TORTORA:**

Certainly.

**LEG. CARACCILOLO:**

So, let the record reflect that, Mr. Chairman, because I heard a number of colleagues appropriately, you know, voice concern about three-and-a-half million dollars, but, in the long-term, Mr. Lindsay, Mr. Alden, there's a savings of 15 million dollars. That's what -- you know, because I heard people talking about putting debt off until tomorrow, we're going to have to pay this some day, the old grandchildren argument. No, that's not what we're doing. The State has done that, but that's not what we're doing. And I'm not suggesting that's exactly what you were implying, but for those casual readers of the record, they may take it to mean that that's what

we did, and that's not what we're doing. Am I right, Mr. Tortora?

**MR. TORTORA:**

That's correct.

**LEG. CARACCILO:**

Thank you.

**P.O. CARACAPPA:**

Thank you, Legislator Caracciolo. I think the fear of Legislator Lindsay and Legislator Alden with relation of pushing off debt to other days had to do with 5-25-5.

**LEG. CARACCILO:**

Got you. Thank you.

**P.O. CARACAPPA:**

Which is a legitimate claim.

**LEG. ALDEN:**

Can I clarify the record, too?

**P.O. CARACAPPA:**

Legislator Alden, point of personal privilege.

**LEG. ALDEN:**

Just for clarify the record, is this front-loaded?

**MR. TORTORA:**

It is.

**LEG. ALDEN:**

What is the meaning of front-loading, you're taking savings today and you're actually having dissavings in the future years; correct?

**MR. TORTORA:**

In our industry, when you do a refunding, which is what we're proposing, you can take the savings on a relatively uniform basis over the life of the issue over the next 15 years, or you could front-load the savings somewhat, which is what we're proposing here.

**LEG. ALDEN:**

Which takes away from future years.

**MR. TORTORA:**

What it does is, so that the nature of the savings, based on this scenario, there'd be approximately 4 million dollars savings in this current fiscal year, approximately 10.5 million in '05, and then would have a number of years where we'd have dissavings as high as three-and-a-half million. But the nature of this refunding is such that the term of the refunding bonds would be approximately eight years shorter than the bonds that they're refunding, so the new debt would be retired eight years sooner than the old debt.

**LEG. ALDEN:**

But, if you did that on just a flat out rate, you'd have more savings --

**MR. TORTORA:**

You would -- you could have more --

**LEG. ALDEN:**

Rather than front-loaded, you'd have more savings; correct?

**MR. TORTORA:**

You could have more savings, correct.

**LEG. ALDEN:**

Thank you.

**P.O. CARACAPPA:**

Thank you, Legislator Alden.

**LEG. CARACCILO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Caracciolo, quickly.

**LEG. CARACCIOLO:**

Quickly.

**P.O. CARACAPPA:**

Please.

**LEG. CARACCIOLO:**

You know, we're looking at a 200 to 250 million dollar --

**P.O. CARACAPPA:**

Potentially.

**LEG. CARACCIOLO:**

-- projected budget deficit.

**D.P.O. CARPENTER:**

Maybe.

**P.O. CARACAPPA:**

Potentially.

**LEG. CARACCIOLO:**

This is one way to deal with -- the gross savings is how much?

**MR. TORTORA:**

15.4 million.

**LEG. CARACCIOLO:**

Right. If you don't want to save the 15 million dollars, be prepared in November to raise property taxes.

**P.O. CARACAPPA:**

Agreed.

**LEG. CARACCIOLO:**

Thank you, Mr. Chairman.

**P.O. CARACAPPA:**

Thank you very much. Okay. There's a motion and a second on 1228.

**LEG. ALDEN:**

Hail Mary.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna).

**(Applause)**

**P.O. CARACAPPA:**

I wanted to call the vote first before I said this. You know, we all compromised in certain ways, and we have a little bit more to do before we get there, but that's what it takes when things are as important as this. And it's a shame that we're forced into this position as a County who has handled their finances very, very well over the years. And I could say that with no reservations, because I've been a part of it. The State should take note on how we do business here in Suffolk County and how we do not pass burdens on to other levels of government, and how we're responsible with relation to our own -- our own finances.

Just one final point with relation to 5-25-5, and going -- doing away with the pay-as-you-go. This isn't the last bite at the apple. You have bites at the apple on every individual project that will come before us. You can vote for it, we can show restraint and not vote for it and we won't incur that debt, and now all of those projects become 14-voters on top of everything else. So, just to clarify that as well.

I'm very proud of Legislator Crecca the County Executive, Legislator Foley, for working very hard in coming together on an agreement here. Everyone's ideas were included in this bill and in this attempt to whittle down our budget deficit for '05. I'm very happy to have been a part of it, too. So, congratulations to all those involved. Moving --

**LEG. CRECCA:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Crecca.

**LEG. CRECCA:**

Mr. Chairman, just I think it's an appropriate time to just, because we don't need to debate it, then, we can just take the vote, is to do the companion resolution, which I believe is 1229 --

**P.O. CARACAPPA:**

Yes.

**LEG. CRECCA:**

-- with us at this time. So, I'd make a motion to approve 1229, which we skipped over on the agenda.

**P.O. CARACAPPA:**

Motion by Legislator Crecca on 1229.

**LEG. CARACCILO:**

Explanation.

**LEG. CRECCA:**

Is it 1229 or 1230?

**LEG. BISHOP:**

Can I get an explanation?

**P.O. CARACAPPA:**

Also, while you're doing that --

**LEG. CARACCILO:**

Explanation.

**P.O. CARACAPPA:**

-- I'd like to thank the Comptroller, Joe Sawicki, Joan Sikorsky, Rich Tortora, for the hard work and dedication they've shown on this issue as well. Thank you very much.

**LEG. CRECCA:**

1230?

**P.O. CARACAPPA:**

1220 -- 1230.

**LEG. CRECCA:**

1230. Excuse me, I misspoke.

**P.O. CARACAPPA:**

1230. Motion to approve -- no, not 1230.

**LEG. CRECCA:**

No, there's not CN on that. 1230 goes along with 12 --

**P.O. CARACAPPA:**

Motion to approve **1230**.

**LEG. VILORIA-FISHER:**

What page?

**LEG. CRECCA:**

It's on --

**P.O. CARACAPPA:**



That is Page 12.

**D.P.O. CARPENTER:**

Page 12.

**LEG. CRECCA:**

Page 12. We skipped over it, because it's a companion bill to 1228.

**P.O. CARACAPPA:**

**This is a Charter Law to authorize two-year rolling debt on the 5-25-5.** Motion by Legislator Crecca.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Foley.

**LEG. CARACCILOLO:**

Roll call.

**P.O. CARACAPPA:**

Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CRECCA:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. CARACCILOLO:**

Nope.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Pass.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**LEG. ALDEN:**

No.

**MR. BARTON:**

14. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

1230 is approved. Going back to the CN's, **1343**. A motion by myself, second by Legislator Crecca.

**LEG. BISHOP:**

Explanation on this one.

**P.O. CARACAPPA:**

This is a **resolution authorizing the issuance pursuant to Section 90.10 of the Local Finance Law of refunding bonds of the County of Suffolk, New York, to be designated "Public improvement refunding (serial) bonds", and providing for other matters in relation thereto and the payment of the bonds to be refunded.**

**D.P.O. CARPENTER:**

Motion.

**P.O. CARACAPPA:**

There's a motion and a second.

**LEG. BISHOP:**

It may have been answered, but --

**P.O. CARACAPPA:**

Mr. Comptroller, if you wouldn't mind.

**LEG. CRECCA:**

Yeah. Could you just explain to us what -- is that what you want to know, what 1343 is?

**LEG. BISHOP:**

Yeah, and then I --

**P.O. CARACAPPA:**

This is the CN on the bonds. Joan, come on up. You can feel free.

**LEG. LINDSAY:**

It isn't on the agenda.

**P.O. CARACAPPA:**

No, they know what it is.

**D.P.O. CARPENTER:**

It's a CN.

**P.O. CARACAPPA:**

Just step -- just speak right into that microphone, Joan, as best you can.

**MS. SIKORKSY:**

This is a refunding bond resolution that will permit us to go forward with the refunding that was just discussed by Mr. Tortora. We would anticipate and will be required to conform with the terms of 1228, not to exceed any dissavings in any year to a maximum of three-and-a-half. We'd like to get the bond operative today. It needs to go to an advertisement for its 20-day estoppel period. We've gone out with some RFPs and we'll get responses from our investment bankers on the 12th of April, anticipate convening the four-member group to review those proposals, and we'd like to have market access as quickly as possible.

**P.O. CARACAPPA:**

Joan, in other words this is just a -- you need this in order to start the process of the refinancing.

**MS. SIKORKSY:**

Yes.

**P.O. CARACAPPA:**

Okay.

**MS. SIKORSKY:**

Yes.

**P.O. CARACAPPA:**

Okay.

**MS. SIKORSKY:**

The bond authorizes -- you're directing the Comptroller to go forward, and we want to get it in the paper and get the advertisement done, so we're not restricted any further from moving forward.

**P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

Yeah. I learned at the Finance Committee meeting that we have one bite at the apple; that when you do a refinancing, you could only do it once, you can't go back a second, third time, and that we were wise to hold off some percentage of our overall portfolio and not refinance it. What percentage of debt are we refinancing?

**MS. SIKORKSY:**

Well, what you're referring to is an advanced refunding. In that instance, we had a number of candidates put into this bond resolution, all of which will not be refunded at this time. And the reason that we're taking that action is a number of the candidates are far removed from their call date. And, as was discussed with the Budget and Finance Committee, the closer you get to that call date where you can actually take the debt out, the more beneficial. Right now, I think

we have about 197 million in refunding principal of the 400-odd million that is in that resolution.

The reason we put all the candidates in at this time is you, as Legislators, certainly understand that there's a cumbersome process to go forward with the group of candidates, to go through the process of laying a resolution on the table, having it adopted, going forward with our advertising, and then proceeding with the refunding. Market access becomes labored, and we want to access market as quickly as possible. So, as a result of adopting, hopefully, adopting this bond resolution with all the potential candidates, it will open an avenue whereby the Comptroller can more amply do his job and get to market when it's more advantageous to strike. So, out of 460 --

**LEG. BISHOP:**

That was a thorough answer --

**MS. SIKORSKY:**

Okay.

**LEG. BISHOP:**

-- but I think I lost the answer in the answer.

**MS. SIKORSKY:**

Out of the four -- out of the four hundred -- I don't know the percentage off the top of my head. Figure 197 million in refunding principal versus approximately 462 million. So, whatever that percentage comes out to is what we're doing now.

**LEG. BISHOP:**

So, in theory, there's 262 million dollars that could at a later date be refinanced.

**MS. SIKORSKY:**

Yes.

**LEG. BISHOP:**

Right. Okay. Thank you.

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. MYSTAL:**

As a corollary to what Legislator Bishop just said, do you have an estimate as to how much of our budget goes to debt financing, in other words, on a dollar basis, 10 cents, 20 cents; do you have any idea, Robert?

**MR. LIPP:**

Seventy-two million dollars in the General Fund for serial bond debt service per year.

**LEG. MYSTAL:**

Seventy-two million dollars. Okay.

**MR. TORTORA:**

General Fund.

**MR. LIPP:**

General Fund.

**LEG. MYSTAL:**

General Fund, okay. The next question is, would that present a problem for us with the bonding agencies, with the rating agencies?

**MS. SIKORKSY:**

Going forward with the refunding?

**LEG. MYSTAL:**

Yes.

**MS. SIKORKSY:**

No. Refundings are undertaken when you have a potential for savings. This particular refunding will produce in excess of, at this moment, based on this market, approximately 4.77 or 4.78 percent in that present value savings. It's subject to the approval of the State Comptroller, and without those savings and ample criteria, it would not be approved at the State level and would not be permitted to go forward.

**LEG. MYSTAL:**

Okay. And to make the question even simpler, on a General Fund and the money that we take in as a County, how much of that is for debt services on a yearly basis now, 72 million dollars?

**MS. SIKORSKY:**

Seventy-two over --

**LEG. BISHOP:**

Out of two billion.

**LEG. MYSTAL:**

Out of two billion.

**MR. LIPP:**

1.8.

**LEG. MYSTAL:**

Thank you.

**MS. SIKORSKY:**

And certainly is -- in comparison to our debt limit, this County has only consumed under six-and-a-half percent of its debt limit potential.

**LEG. MYSTAL:**

Thank you.

**LEG. CARACCILO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCILO:**



Just for further clarification on the points raised by Elie. Robert, as a -- you mentioned it, and I don't know if anybody heard it, 72 million dollars on a 2 billion dollar a year budget, if you broke that down as a percentage, what does it come to? I know the last financial report I read that the County, when they issued budget notes, said that our debt was considered by the rating agencies as moderate. But what is that as --

**MR. SPERO:**

It's probably around 7% of the budget. .

**LEG. CARACCILO:**

About 7%. I can tell you, a decade ago, when Bob Gaffney took office, our debt indebtedness was somewhere in the area of 12%. So, we have been moving in the right direction, and, hopefully, in the continue -- in the future, we will continue to do that. Thank you.

**LEG. BISHOP:**

Does anybody know what the debt is in Nassau County as a percentage? What are they paying, like 15%.

**LEG. CARACCILO:**

Higher.

**LEG. MYSTAL:**

Thirteen percent. Thirteen.

**MS. SIKORSKY:**

I don't know.

**P.O. CARACAPPA:**

A lot.

**LEG. MYSTAL:**

No, they're 13%.

**LEG. BISHOP:**

Thirteen, and we're at 7. All right. Very good.

**D.P.O. CARPENTER:**

We're doing good.

**P.O. CARACAPPA:**

Okay? There's a motion?

**LEG. BISHOP:**

5-25-5.

**P.O. CARACAPPA:**

Motion and a second. All in favor? Opposed? Abstentions? 1343 is approved.

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**LEG. CARACCIOLO:**

Cosponsor, Henry.

**P.O. CARACAPPA:**

I would like to do --

**LEG. FOLEY:**

1344, motion to --

**P.O. CARACAPPA:**

I'd like to do 1007, because we have a lot of people in the audience here for this. This is -- no CN's.

**MS. BURKHARDT:**

CN.

**P.O. CARACAPPA:**

This is **CN 1007. This is approving ferry license for Fire Island Water Taxi.** There's a

motion by Legislator Carpenter --

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

-- second by Legislator Alden and Foley.

**LEG. BISHOP:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Bishop.

**LEG. BISHOP:**

Legislator O'Leary and I had discussed, and I think it was agreed to by the majority of the Legislature, or it would be welcome by the majority of the Legislature, that we would limit the size of the boat that could operate as a water taxi, so that we don't have a ferry company operating under a taxi license. And so the -- what Mr. Hafele told me, I hope I'm saying that correctly --

**P.O. CARACAPPA:**

Hafele.

**LEG. BISHOP:**

Hafele, excuse me. Is that the leased boats from the prior company, the largest boat was 39 seats. So that I requested the County Executive, or the County Attorney, or Counsel to include a clause in the resolution that would limit the license, the size of the boats under the license to no more than 39 seats. Did that occur? Does anybody know if that's in there?

**LEG. O'LEARY:**

Through the Chair.

**P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. O'LEARY:**

No, it did not -- I attempted as well, Legislator Bishop, to have that occur, and it's my understanding that if we approve this CN, that we could amend it at a later date to --

**LEG. BISHOP:**

Well, I don't know.

**LEG. FOLEY:**

Correct.

**LEG. O'LEARY:**

Unless you want to do it now.

**D.P.O. CARPENTER:**

Can we ask -- excuse me.

**LEG. FOLEY:**

And I think the applicant would be willing --

**LEG. BISHOP:**

Yes.

**LEG. FOLEY:**

-- and he said it on the record.

**D.P.O. CARPENTER:**

To say it on the record, to come forward and say it on the record.

**LEG. BISHOP:**

Yeah, right, we worked it out, so why don't we correct it?

**LEG. O'LEARY:**

Okay, we can do that.

**LEG. FOLEY:**

It's just that it's not -- it's not -- I'm sorry.

**LEG. O'LEARY:**

Yeah. If it's okay with you and the body here, if we can have

Mr. Hafele come up to affirm that he will, in fact, adhere to that particular provision.

**LEG. BISHOP:**

No. I think what we need is a provision in the license, in the resolution. I mean, we can certainly add that. We certainly change -- it's getting late --

**LEG. FOLEY:**

It is.

**LEG. O'LEARY:**

It is.

**LEG. FOLEY:**

It's getting late.

**LEG. O'LEARY:**

It is getting late.

**LEG. BISHOP:**

-- articulation is getting weaker. But, as a matter of course, we do that. When we have Certificates of Necessity, we adjust them, even if it's in handwriting.

**LEG. FOLEY:**

The problem, if I may say through the Chair, the problem is I wasn't aware that you wanted that in writing in a resolution. I know that the applicant had stated on the record that he would honor that request. The change that we made in the resolution was to line out one of the -- two of the locations on Fire Island that those have -- well, one on Fire Island and one on the mainland, that those two have been lined out to reflect the other locations that have been approved by the localities. So that parts been taken care of. As far as this limitation on the size

of the boats, I hadn't -- that wasn't asked of me to put that in this resolution. We do have the applicant saying that he's willing to abide by that.

**LEG. BISHOP:**

So do it now. I don't -- what's the problem?

**LEG. FOLEY:**

Well, following up -- following up on what Legislator O'Leary had mentioned, we can have a follow-up resolution next month to reflect that. I would not want to hold this up another month, because they want to make repairs to their boats.

**LEG. BISHOP:**

Well, they can certainly make repairs to their boats. They bought this company, they have the boats.

**LEG. FOLEY:**

They can't --

**LEG. BISHOP:**

They're not going to let the stock go to waste.

**LEG. FOLEY:**

They've stated on the record that they really need the license in order to start the work, which makes good business sense.

**LEG. BISHOP:**

But that's preposterous.

**LEG. FOLEY:**

It's not preposterous.

**LEG. BISHOP:**

And you know that's preposterous and --

**LEG. FOLEY:**

But we also have him say on the record that he would abide by the smaller tonnage, if you will, so we can have a follow-up resolution next month to reflect what he stated on the record.

**LEG. BISHOP:**

Or you can simply add a sentence to this resolution --

**LEG. FOLEY:**

It's very difficult -- it's very difficult now to go back and have this --

**LEG. BISHOP:**

How difficult is it?

**LEG. FOLEY:**

-- have had this amended again. We have --

**LEG. BISHOP:**

Why?

**LEG. FOLEY:**

Well, because it's late in the evening, it's twenty to twelve, and to my way of thinking, we can take care of that portion of it next month.

**LEG. BISHOP:**

We have computers, typewriters, pencils, pens, brains. I mean, it's a sentence, it's not a difficult thing to do.

**LEG. FOLEY:**

How would the sentence read, Mr. Chairman?

**LEG. BISHOP:**

Well, I would defer to Counsel or to the County Attorney's Office, but I would offer one up if they demure. I mean, that's not that difficult.

**LEG. BINDER:**

The County Executive has to agree to it, though.

**LEG. FOLEY:**

What was that, Legislator Binder?

**LEG. BINDER:**

The County Exec has to agree to it. You could probably do it verbally, if the County Exec comes up and agrees to it. We can do the whole thing on the record, and then vote to it as -- vote on it as amended, and then, before its filed with the Clerk, you can have it retyped. But we can do it in the record with the amendment, if someone can phrase the sentence.

**LEG. FOLEY:**

Is the applicant here? Is he still here?

**LEG. O'LEARY:**

Yes, he is.

**LEG. FOLEY:**

Mr. Hafele, could you just come to the podium, please, through the Chair.

**P.O. CARACAPPA:**

Yeah.

**LEG. FOLEY:**

Through the Chair. Thank you. All right.

**P.O. CARACAPPA:**

There you go, Brian.

**LEG. FOLEY:**

Thank you, Mr. Chairman. Thank you, Mr. Chairman. Legislator Bishop, state for the record what you'd like -- the change you'd like to see and whether that's what -- reflects what the applicant had mentioned earlier?

**LEG. BISHOP:**

I would ask Counsel if you could write a sentence for me. Otherwise I'll do it, but I don't --



**LEG. FOLEY:**

Mr. Hafele.

**MR. HAFELE:**

I have a suggested sentence.

**LEG. FOLEY:**

All right.

**MS. KNAPP:**

Mr. Hafele.

**LEG. FOLEY:**

Speak closely into the mike, Mr. Hafele, and make sure it's on, the mike is on. There you go. I think it's on. Go ahead.

**MR. HAFELE:**

The applicant agrees not to use any vessel in excess of 39 passengers.

**LEG. BISHOP:**

And none is authorized under the license, something to that effect.

**LEG. FOLEY:**

Okay?

**MR. HAFELE:**

Yes.

**LEG. FOLEY:**

All right. That's agreed to by the applicant, it's agreed to by --

**LEG. BISHOP:**

I think Counsel wants to say something.

**LEG. FOLEY:**

Counsel's writing this in?

**MS. KNAPP:**

Yeah, but wait.

**LEG. BISHOP:**

I'm not concerned about what the applicant agrees to. I mean, the applicant is --

**MS. KNAPP:**

Just clarify also for the record. I know that during the discussion, I heard you say you were -- you were doing cross bay as well as lateral service?

**LEG. FOLEY:**

Correct.

**MR. HAFELE:**

Yes.

**MS. KNAPP:**

Are these 39-passenger vessels that you're agreeing to, are they -- you're not going to use them for any purpose covered by this license; is that correct?

**MR. HAFELE:**

Covered by this license, I will not use any vessel in excess of 39 passengers. It's part -- part of the water taxi business is cross bay. I will be using the 39-passenger vessels and smaller ones for cross bay service, I will not use anything in excess of 39 passengers.

**LEG. BISHOP:**

The 39 limit, are you planning to purchase more boats at 39?

**MR. HAFELE:**

We plan to go into the water taxi business this year for the first time, and we would like the opportunity to get in and see what the business requires. I would like to build --

**LEG. BISHOP:**

How many -- how many of the boats that you currently own by virtue of your purchase of South Shore Water Taxi -- that's the prior company?

**MR. HAFELE:**

South Bay, yeah.

**LEG. BISHOP:**

South Bay Water Taxi are 39 seaters.

**MR. HAFELE:**

One.

**LEG. BISHOP:**

One, okay.

**LEG. FOLEY:**

The rest are less than that.

**LEG. BISHOP:**

So we can anticipate one boat of that size operating this summer.

**MR. HAFELE:**

Yes.

**LEG. BISHOP:**

Okay, excellent. Thank you.

**MS. KNAPP:**

May I just repeat, no vessel having a capacity in excess of 39 passengers shall be used in connection with this license?

**MR. HAFELE:**

That's correct.

**P.O. CARACAPPA:**

I'd ask the County Executive, are you okay with that, to be included in a new CN? Todd, if you wouldn't mind just coming on up.

**MR. JOHNSON:**

No. If the sponsor presents a resolution like that, I don't think we'll have any problem presenting it.

**P.O. CARACAPPA:**

Thank you very much. Legislator Alden.

**LEG. ALDEN:**

Jim, have you -- have we ever, as a Legislative body, put a limit on any of the vehicles, any of the vessels or vehicles that we've given licenses for the ferry licenses?

**MR. SPERO:**

I can't recall that we've --

**LEG. ALDEN:**

Ever limited --

**MR. SPERO:**

-- ever had an occasion to want to restrict the number of passengers that the ferry carried.

**LEG. ALDEN:**

Okay. So, in some ways, I have to thank Legislator Bishop for actually introducing a new criteria, which will actually be used in any further licenses that we're going to debate in the future.

**LEG. BISHOP:**

For water taxis.

**LEG. FOLEY:**

Water taxis.

**LEG. BISHOP:**

Water taxis.

**LEG. ALDEN:**

No, no, no.

**LEG. FOLEY:**

Cameron, let's vote on the bill first. Let's vote on the bill.

**LEG. ALDEN:**

Why?

**LEG. FOLEY:**

Then we can get to the other points.

**LEG. BISHOP:**

Because, if it's a ferry license, it would be completely different.

**LEG. FOLEY:**

Let's vote on the bill. Move the question, Mr. Chairman.

**LEG. ALDEN:**

This reminds me of Star Trek and going where nobody's gone before.

**LEG. FOLEY:**

Move the question.

**P.O. CARACAPPA:**

Wow, this title has you all up in an uproar here, Brian, huh?

**LEG. FOLEY:**

Move the question.

**P.O. CARACAPPA:**

Okay. We have a motion and a second.

**LEG. BISHOP:**

I think you have to make the motion as amended --

**P.O. CARACAPPA:**

Well, if you let me --

**D.P.O. CARPENTER:**

All right. I'll make that motion.

**P.O. CARACAPPA:**

There's a motion --

**LEG. O'LEARY:**

And I'll second that motion as amended.

**P.O. CARACAPPA:**

As amended and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

1007 is approved.

**LEG. FOLEY:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

I'd like to make a motion to approve 1344.

**P.O. CARACAPPA:**

1344? Let me just do this.

**LEG. FOLEY:**

It's a Certificate of Necessity.

**P.O. CARACAPPA:**

Let me just do this grant first real quick.

**LEG. CRECCA:**

I'd like to make a -- prior to that, I'd like to make a motion to extend the meeting?

**D.P.O. CARPENTER:**

Second.

**LEG. CRECCA:**

-- until 1245, until we finish our business.

**P.O. CARACAPPA:**

There's a -- well, which takes precedence? I guess extend the meeting. Motion to extend the meeting until --

**LEG. CARACCILOLO:**

Second.

**P.O. CARACAPPA:**

-- 12:45?

**LEG. CRECCA:**

Yeah.

**LEG. BISHOP:**

How many votes does that require?

**P.O. CARACAPPA:**

It requires two-thirds vote, 12.

**LEG. CARACCILOLO:**

Second.

**P.O. CARACAPPA:**

All in favor? Opposed?

**[OPPOSED SAID IN UNISON BY LEGISLATORS]**

**D.P.O. CARPENTER:**

Roll call.

**P.O. CARACAPPA:**

Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CRECCA:**

Yes, to extend.

**LEG. CARACCILOLO:**

To extend, yes.

**LEG. SCHNEIDERMAN:**

Yes, to extend.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA-FISHER:**

No.

**LEG. LOSQUADRO:**

Yes.



**LEG. FOLEY:**

No.

**LEG. LINDSAY:**

No.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

Pass.

**LEG. NOWICK:**

Against my better wishes, yes.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

No.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

No.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**LEG. ALDEN:**

Nope.

**MR. BARTON:**

Nine. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

It fails. I'd like to do **1341 (Accepting and appropriating 100% Federal Funding for the implementation of an enhanced V.I.N.E.S. (Violence Is No Effective Solution) Program and authorizing the County Executive and the Commissioner of Social Services to**

**execute a contract.** It's a grant application for V.I.N.E.S., Violence is No Effective Solution.

Very important, time sensitive. Motion by myself.

**D.P.O. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Vilorio-Fisher. All in favor? Opposed?

**LEG. BISHOP:**

Wait.

**P.O. CARACAPPA:**

It's a grant, it's grant for --

**LEG. NOWICK:**

What number?

**P.O. CARACAPPA:**

1341.

**D.P.O. CARPENTER:**

1341.

**P.O. CARACAPPA:**

It's a CN.

**MS. KNAPP:**

CN.

**P.O. CARACAPPA:**

It's a CN.

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

1342 - Authorizing the County Clerk to file -- we don't have to do that one.

**LEG. FOLEY:**

Motion, 1344, Mr. Chairman.

**D.P.O. CARPENTER:**

Mr. Chairman, I'd like to make a motion to override the veto.

**LEG. FOLEY:**

**Mr. Chairman, I made a motion.**

**P.O. CARACAPPA:**

Is it -- hold on, hold on, hold on.

**LEG. FOLEY:**

Mr. Chairman, I made a motion to approve 1344.

**LEG. VILORIA-FISHER:**

Second.

**LEG. FOLEY:**

There's a motion and a second.

**P.O. CARACAPPA:**

There's a motion to override the veto on -- what was the original number? Adopted Resolution 186, which was -- which was 1088. This is the County Clerk's --

**D.P.O. CARPENTER:**

Mr. Chairman, what was the vote on that original resolution?

**P.O. CARACAPPA:**

The original vote was 15-0, 2 not present.

**D.P.O. CARPENTER:**

Thank you.

**P.O. CARACAPPA:**

There's a motion and a second.

**LEG. ALDEN:**

To override the veto.

**D.P.O. CARPENTER:**

To override the veto.

**P.O. CARACAPPA:**

To override the veto.

**D.P.O. CARPENTER:**

Roll call.

**P.O. CARACAPPA:**

Roll call.

**MR. BARTON:**

Who was the motion?

**MS. SULLIVAN:**

We didn't get a motion and a second.

**MR. BARTON:**

Mr. Chairman, the motion and the second? I didn't record it.

**P.O. CARACAPPA:**

There's a motion by Legislator Carpenter, second by --

**LEG. CRECCA:**

On the motion.

**P.O. CARACAPPA:**

-- Legislator Alden. On the motion, Legislator Crecca.

**LEG. CRECCA:**

Yeah. This is the bill that the County Clerk spoke on earlier to get the 1.7 million dollars?

**D.P.O. CARPENTER:**

Yes.

**LEG. CRECCA:**

Or 1.6, whatever it is. Okay. And if -- if this does pass, I'm to assume that this --

**LEG. ALDEN:**

We don't get the money.

**LEG. CRECCA:**

We don't get the 1.7. Okay, that's all.

**LEG. ALDEN:**

That's it.

**(Roll Called by Mr. Barton, Clerk)**

**D.P.O. CARPENTER:**

Yes, to override.

**LEG. ALDEN:**

Yes.

**LEG. CARACCIOLO:**

What is this, Henry?

**MR. BARTON:**

To override the veto.

**LEG. CARACCIOLO:**

Oh, yes.

**LEG. SCHNEIDERMAN:**

Yes, to override.

**LEG. O'LEARY:**

Yes, to override.

**LEG. VILORIA-FISHER:**

Nope.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

No.

**LEG. LINDSAY:**

No.

**LEG. MONTANO:**

No.

**LEG. CRECCA:**

Yeah, of course. Why would it -- yeah.

**LEG. NOWICK:**

Of course.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

No.

**LEG. BINDER:**

Motion to postpone the vote.

**D.P.O. CARPENTER:**

Second.

**LEG. ALDEN:**

Why? Let the Democrats vote it down. We don't need a million something dollars.

**LEG. CRECCA:**

I'm not tabling.

**LEG. ALDEN:**

Let them vote it down. No, let them vote it down, keep going.

Keep going.

**P.O. CARACAPPA:**

We're in the middle of a roll call.

**(Roll Call Continued by Mr. Barton, Clerk)**

**LEG. BINDER:**

Yes, to override.

**LEG. COOPER:**

No.

**P.O. CARACAPPA:**

Yes, to override.

**MR. BARTON:**

Ten. (Absent: Leg. Tonna)

**LEG. ALDEN:**

On the motion.

**P.O. CARACAPPA:**

Override fails.

**LEG. CARACCILO:**

Mr. Chair, I'd like to call out of order --

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

Mr. Clerk, you announced it. What was that?

**MR. BARTON:**

Ten.

**LEG. BISHOP:**

Ten.

**LEG. ALDEN:**

Ten. So that means that that fails?

**LEG. CARACCILO:**

Yeah.



**LEG. ALDEN:**

So, people that voted -- I just want to get this straight in my mind. If you vote against overriding, in essence, what you've done is you said that we don't really want that 1.6 million dollars; is that the effect of that vote?

**LEG. BISHOP:**

You're asking the Clerk?

**LEG. ALDEN:**

What? No, Henry's a lawyer. And, actually, Henry's a lawyer and I value his opinion on that. And I'll get an opinion from Jim in just one second, also. But what's the effect of that vote, Henry? Henry's our Clerk.

**MR. BARTON:**

It fails. I don't do anything further with it.

**LEG. ALDEN:**

So, basically, those that voted --

**MR. BARTON:**

We don't do anything further with it, it's over.

**LEG. ALDEN:**

So, those that voted no to override said, "No, we don't want that money for the County, we don't want 1.6 million dollars." Jim, what's the effect of that on our budget? We have to -- and maybe I'll ask it a different way. Don't we have to go -- now, we have to go to the taxpayers of Suffolk County and we have to explain to them why 1.6 million dollars isn't going to be paid to us in due reimbursements, because we decided not to take that in our wisdom, because there was a group of -- how many people voted against that?

**LEG. BISHOP:**

Is that a question or --

**LEG. ALDEN:**

That's a question, how many people voted against it?

**LEG. BISHOP:**

That he can answer.

**MR. BARTON:**

Seven.

**LEG. ALDEN:**

What are the names of the people that voted no to taking 1.6 million dollars to -- for free money to the County?

**LEG. BISHOP:**

Make sure you get my name.

**P.O. CARACAPPA:**

Okay.

**LEG. ALDEN:**

Yeah, I want this.

**P.O. CARACAPPA:**

Okay.

**LEG. ALDEN:**

I've got to understand this, because I'm a taxpayer, too.

**P.O. CARACAPPA:**

I'm going to recess this meeting until 12:02 of -- what's tomorrow's date?

**LEG. O'LEARY:**

The 24th.

**P.O. CARACAPPA:**

The 24th.

**LEG. O'LEARY:**

Mr. Chair.

**P.O. CARACAPPA:**

March 24th, 12:02 a.m.

**LEG. MYSTAL:**

Thank you.

**P.O. CARACAPPA:**

We're recessed.

**LEG. MYSTAL:**

Thank you.

**[THE MEETING WAS RECESSED AT 11:52 P.M. ON MARCH 23, 2004 AND RESUMED AT 12:02 A.M. ON MARCH 24, 2004)**

**P.O. CARACAPPA:**

Good morning, Mr. Clerk. Please, call the roll.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CARACCIOLO:**

Here.

**LEG. CARACCIOLO:**

Here.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. O'LEARY:**

(Present)

**LEG. VILORIA-FISHER:**

Here.

**LEG. LOSQUADRO:**

(Present)

**LEG. FOLEY:**

(Not Present).

**LEG. LINDSAY:**

Here.

**LEG. MONTANO:**

Here.

**LEG. ALDEN:**

Here.

**LEG. CRECCA:**

(Not Present)

**LEG. NOWICK:**

Here.

**LEG. BISHOP:**

Here.

**LEG. MYSTAL:**

Here.

**LEG. BINDER:**

Here.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

Here.

**P.O. CARACAPPA:**

I'm here.

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**LEG. BINDER:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Binder.

**LEG. BINDER:**

During the last meeting, during the last roll call that was made, I made a motion to postpone and it was seconded, and I think my motion should have been acted upon. I made a motion, it was seconded. I think even the Clerk got it, so it should have been done.

**P.O. CARACAPPA:**

Mr. Clerk, does the record reflect that I missed the motion and a second?

**MR. BARTON:**

It does, Mr. Chairman.

**P.O. CARACAPPA:**

Well, I apologize, Legislator Binder. What was that motion --

**LEG. BINDER:**

It was a motion to --

**P.O. CARACAPPA:**

-- and when was it called?

**LEG. BINDER:**

It was a motion to postpone the vote until the end of the meeting.

**LEG. FOLEY:**

Which vote, on which bill?

**LEG. BINDER:**

The vote on the override.

**P.O. CARACAPPA:**

Mr. Clerk, where were we in that part of the meeting when that motion and the second was made?

**MR. BARTON:**

I was in the roll call, about two-thirds of the way down the page.

**P.O. CARACAPPA:**

So, procedurally -- procedurally, what's my options as the Chair? Legislator Binder?

**LEG. BINDER:**

It would seem to me, Mr. Chairman, from the point that I made the motion, if we could go back and do a -- complete my motion to postpone, which was at the appropriate time.

**LEG. VILORIA-FISHER:**

On the motion.

**LEG. BINDER:**

And then, if it fails, then you can have a completed -- a completed vote. If not, then it's postponed.

**P.O. CARACAPPA:**

Okay.

**LEG. CARACCIOLO:**

Very clever, Allan?

**LEG. VILORIA-FISHER:**

On the motion.

**P.O. CARACAPPA:**

I'm trying to -- I'm trying to define the motion first. This is a motion to postpone the override vote, and there's a second. I will recognize that motion just for the sake of discussion.

Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

I'd like to ask Counsel, if this veto is not overridden tonight, if this veto is sustained, does that result in the 1.7 million dollars -- does that preclude access to 1.7 million dollars? Is this, in fact, the last bite at that apple?

**LEG. FOLEY:**

Put me on the list, please, Joe.

**MS. KNAPP:**

In looking at the State Law that governs, I do not see that there is a final date by which this application has to be made. However, I would be much more comfortable if someone from the Clerk's Office were here who was familiar, because, as you know, State Law governs how -- it governs how the process should take place, but it doesn't govern the specifics, particularly specifics in terms of when the State closes their budget year. However, it's my belief that this money is prospective money. And, again, I wish that the Clerk's Office were here, because I have in the past litigated against the State of New York, and when they close their budget year, their response to you is that money's gone. And I actually had to litigate for a year to get them to pay money that they owed my client, because they took the position that once the fiscal year ended, that they had no obligation to pay. However, I do believe this is prospective money, and if that's correct, you should still have time. But, again, nobody -- the Clerk is gone. Okay?

**LEG. VILORIA-FISHER:**

Mr. Presiding Officer, might I ask that same question of someone from the County Executive's Office, Todd, perhaps?

**MR. JOHNSON:**

I am certainly no expert on --

**P.O. CARACAPPA:**

Is that mike on, Todd?

**LEG. LOSQUADRO:**

The mike. The mike, Todd.

**MR. JOHNSON:**

I am not an expert on Section 262 of New York State Law. I have read it. But, more pointedly, I think the answer to the question is that we have a CN tonight that would enable the County, if passed, to get access to that money, just as we have during the past 12 years of applying for this application. So I would say that there's an opportunity before you tonight to take another chance at getting access to those funds.

**LEG. VILORIA-FISHER:**

Thank you very much, Todd.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

The questions been answered. Thank you.

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. MYSTAL:**

Thank you, Presiding Officer. I have tried my best to add some levity to this proceeding, but this is getting ridiculous.

**P.O. CARACAPPA:**

I agree.



**LEG. MYSTAL:**

What's happening, this is purely a political maneuver, that's all it is, between whatever is going on. There is a CN that we can vote on. Earlier, Legislator Bishop had made the suggestion that the Clerk -- did you Mr. Bishop? That the Clerk and the County Executive, or Mr. Lindsay had made the suggestion, that the Clerk and the County Executive sit down and resolve that issue before we even try to vote on this. Why don't we try to do that, Ladies and Gentlemen, since it seems to be just a question of mistrust on the part of one group as opposed to the another? Because we've done it one way for 12 years or 14 years, now it's being done a different way, I don't know which one is right, but I'm saying that I would take Mr. Lindsay's suggestion and try to find some way to reconcile those two heads. That's it.

**LEG. BISHOP:**

I don't think County Clerk's here.

**MR. JOHNSON:**

The County Clerk has made that request to the County Executive's Office and the County Executive has agreed to meet with him on that specific matter. Okay? There was an effort to make some communication this evening. I believe that the County Clerk had to leave for personal reasons this evening, but, certainly, I would say tomorrow's the -- later today is the best time to get started in that dialogue.

**P.O. CARACAPPA:**

Okay?

**LEG. BINDER:**

We have a motion to postpone.

**P.O. CARACAPPA:**

Legislator Montano.

**LEG. CARACCILO:**

Second.

**P.O. CARACAPPA:**

Legislator Montano.

**LEG. FOLEY:**

Motion to what? What are we doing?

**LEG. BINDER:**

We still have a motion to postpone.

**P.O. CARACAPPA:**

Legislator Montano, it's your floor.

**LEG. MONTANO:**

Mr. Johnson, I just would ask a question. With respect to the comment you just made, is it fair to assume that the County Exec's Office has no problem delaying a vote on 13 -- is it 1342, which is the replacement resolution for the one -- for the one that was vetoed, to accept the money from the State?

**MR. JOHNSON:**

A problem? I don't see any reason -- I'm not sure I understand a reason to delay.

**LEG. MONTANO:**

That's what I'm saying. Your statements didn't imply that we should delay the vote, right?

**MR. JOHNSON:**

No.

**LEG. VILORIA-FISHER:**

No, no, no, no.

**LEG. MONTANO:**

Okay. I just wanted to make sure I heard that properly.

**LEG. VILORIA-FISHER:**

No.

**LEG. MONTANO:**

Then, if I may just say this. It was my understanding that this issue with respect to the resolution arose because of the change in the wording of the resolution this year from prior years. And at the meeting that I was at, the County Clerk came in, and what I understood was that the need for the change in the resolution was because of some anticipated problems that may occur in the future, and I don't think that that's the basis to change wording in the resolution. I think the resolution that is accompanied by the C of N is a resolution that was here for 12 years, but, apparently, was good enough to have it done at that point. This -- the passage of this resolution does not preclude the County Clerk and the County Executive from getting together and resolving whatever problems they have with respect to the SCIN forms, or anything else, and with respect to the passage of the money from the State into the County; is that correct, Mr. Johnson?

**MR. JOHNSON:**

That's my understanding.

**LEG. MONTANO:**

I'm fine with that. Thank you.

**P.O. CARACAPPA:**

Anyone else?

**LEG. MYSTAL:**

Yeah, one more. Just to respond to it, I think I heard the County Clerk say earlier when he was here that if the County Executive will give him a memorandum that he would apply whatever money that he needs to do his business, that would be okay with him without that resolved clause that was in the resolution that the County Executive doesn't like, right?

**MR. JOHNSON:**

I think --

**LEG. MYSTAL:**

I think he said that.

**MR. JOHNSON:**

I'm not sure if I was here for the entire conversation with the County Clerk.

**LEG. MYSTAL:**

He said that when he was here.

**MR. JOHNSON:**

Okay.

**MR. JOHNSON:**

Is that something that the County Executive will be amicable to?

**MR. JOHNSON:**

I don't see any reason why we wouldn't be able to discuss whatever arrangements the County Clerk might want to present as a solution here.

**LEG. CRECCA:**

Can I --

**P.O. CARACAPPA:**

Legislator Crecca.

**LEG. CRECCA:**

Yeah. I hate to -- I hate to bring this down to the merits, but I'm going to try to that. The one bill -- if I understand the difference between the two bills, one bill has the reimbursement going to the County Clerk, and one bill has it going to the General Fund.

**LEG. BINDER:**

No, no, no.

**LEG. CRECCA:**

All right. Could I ask --

**LEG. CRECCA:**

The County Clerk, I think --

**LEG. CRECCA:**

-- Counsel to just tell me what the difference is between -- because I don't understand the override, you know, I really don't. The veto message, I should say, the veto message. I'm thinking in override mode, I'm sorry.

**MS. KNAPP:**

I had some difficulty understanding the veto message myself, and I found -- and certainly that Mr. Johnson or Mr. Knappe may be able to clarify this. When looking at one copy, I noticed the word "appropriate" has been underlined that I'm looking at. I don't know if there was a misunderstanding that there was an attempt to appropriate these funds. My reading of the last resolved is, quite frankly, a statement of what State Law requires, and that is that the mortgage tax personnel costs be designated to the appropriate County Clerk Operating Budget accounts to offset costs associated with the collection of the mortgage tax, which I believe is what 262 says. If there is a different budget reading that I may be missing, I don't think this appropriates any money. I understand from the Director of Budget Review that there are revenues that are anticipated to come from the mortgage tax. So, I'm a little unclear as to why anybody would think that these monies would be going directly to the Clerk.

**LEG. CRECCA:**

That would be the answer that you guys would have to answer.

**MR. JOHNSON:**

I think -- I think part of the concern is, basically, that the second resolved clause is unnecessary based on the fact that it has been passed in prior years without incident, without conflict, without confusion. And that, as a matter of fact, there was some confusion, there was some -- it was unclear, I believe, to the County Attorney and to the Budget Office exactly what the implications of the second resolved clause, which had never appeared before, what the implications were. So, to clarify that, the County Executive said, Listen, there's no reason to include that language. Let's just do it like we've done in the past. Let's get the money, let's allow ourselves to be properly reimbursed, and let's move on. I haven't heard a reason why the language is necessary that's related to the resolution.

**LEG. CRECCA:**

Well, I guess the question is back, what is the problem with that language?

**MR. JOHNSON:**

As I said, the County Attorney and the Budget Office, who do have to make sure that the resolutions are legal, could not give a clear --

**LEG. CRECCA:**

Does the second resolved clause comply with 262 of the State Law --

**MR. JOHNSON:**

I don't have it --

**LEG. CRECCA:**

-- of the New York State Tax Law.

**MR. JOHNSON:**

-- in front of me.

**LEG. CRECCA:**

Counsel, does the second resolved clause comply with Section 262 New York Tax Law?

**MS. KNAPP:**

It almost tracks the language of 262 of the State Law.

**LEG. CRECCA:**

So, if it's coming right out of the statute, I don't understand how you can argue that this resolved clause is --

**MR. JOHNSON:**

I think that -- I think that it's not word for word coming from the statute. There are some words in the resolved clause, and I'll let the County Attorney speak to that, which are not in the language of Section 262.

**MS. BIZZARRO:**

I apologize. I don't have any of this in front of me, the veto message, but I recall in reading the second resolved clause that it did not track the statute. The statute, 262, specifically says that funding --

**LEG. CARACCILOLO:**

Here you go.

**MS. BIZZARRO:**

Thank you.

**LEG. CARACCILOLO:**

Let's get this straightened out.

**LEG. CRECCA:**

Mike, am I to -- did you have a copy of Section 262?

**LEG. CARACCILOLO:**

Yeah, yeah. No, I have the resolution, the original.

**LEG. CRECCA:**

Oh, okay. I was impressed if you had the Tax Law with you.

**MS. BIZZARRO:**

They're designating in the resolved clause 1.3 million dollars to basically the County Clerk Operating Budget. Right there, it's in violation of 262, because 262 says it has to go to, I believe it is the Treasurer first, the General Fund, and then upon -- I think there's some type of an audit that has to go on by the State, and once they approve it, it then can get designated. What this is doing is it's designating it before the State gets its role in deciding if any monies are to be appropriated.

**MR. JOHNSON:**

I believe, also, that Section 262 says, and I'm not an attorney, but I believe what Section 262 says is that these monies can be reimbursed directly to the County Clerk, and that's -- that may track the language. But, in Suffolk County, what happens is, and the Budget Office can correct me, is we actually in this case front the money to the Clerk. Okay? So, no monies are directed from reimbursement to the Clerk as Section 262 may allow. We don't do it that way. What we do is we front the money to the Clerk and then the General Fund is reimbursed. So the reimbursements designated to the appropriate County Clerk operating budget accounts does not

happen and never does happen in Suffolk County, and that's what's confusing about the language. That's not the way we do it here. If the money was going to be reimbursed directly to the Clerk, this language might be fine, but that's not that way -- that's not the way it occurs here.

**LEG. CRECCA:**

Counsel, since I still have the floor, what does 262 say? Do you have a copy of it with you, and can you share with us what it does say, and is it appropriate the way the resolved clause is in conformity with it?

**MS. KNAPP:**

Actually, mentions the County Treasurers. "Recording Officers and County Treasurers shall severally be entitled to receive all their necessary expenses for the purpose of this article, including printing, hire of clerks and assistants, being first approved and allowed by the Tax Commission and after audit by the Comptroller shall be retained by them out of the monies coming into their hands. In counties wholly within the City of New York for the purposes of" --

**LEG. CRECCA:**

You could skip that part, obviously. Who's the recording officer? Does that refer to the Clerk, in other words?

**MS. KNAPP:**

The County Clerk is the recording officer in Suffolk County.

**MR. JOHNSON:**

So, yes, as I said the language may reflect what 262 says, but it does not reflect what occurs in Suffolk County and how this money would be treated. So, our objection -- our concern is that because it does not reflect what we do here, there's no reason for it. The General Fund -- the General Fund receives this money, and that's why the second resolved clause confuses the issue.

**LEG. MYSTAL:**

Presiding Officer, may I?

**P.O. CARACAPPA:**



There's a list. Legislator Crecca, are you finished?

**LEG. CRECCA:**

I'm finished for now.

**P.O. CARACAPPA:**

Legislator Nowick.

**LEG. NOWICK:**

You know, I'm sitting here watching three attorneys, maybe four attorneys coming up with four different opinions of what we've just voted on. It sounds to me like there's a little more homework to be done. We have a motion to postpone. It certainly seems like a good opportunity to go back to do our homework and to find out what all of this means, because, so far, nobody has convinced me that there is one explanation. Everybody seems to have another. There's a motion out there. It's still --

**LEG. BINDER:**

Postpone to the end of the meeting.

**LEG. NOWICK:**

-- to postpone --

**LEG. BINDER:**

To the end of the meeting.

**LEG. NOWICK:**

To the end of the meeting? Let's get some answers. But going back and forth, it seems the area is getting grayer and grayer.

**P.O. CARACAPPA:**

We're actually debating the merits of the bill. This is a motion to postpone the original vote of the override, so I'd like to just stick with that. There's a motion and a second. All in favor? Opposed?

**[OPPOSED SAID IN UNISON BY LEGISLATORS]**

**LEG. CRECCA:**

Roll call.

**P.O. CARACAPPA:**

Roll call. This is to postpone the veto override vote.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. BINDER:**

Yes.

**P.O. CARACAPPA:**

Yeah.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA-FISHER:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

No.

**LEG. LINDSAY:**

No.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

No.

**LEG. COOPER:**

No.

**D.P.O. CARPENTER:**

Yes.

**MR. BARTON:**

Ten. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

Okay. The override is suspended.

**LEG. CRECCA:**

Can I recommend that we go back to the agenda, Mr. Chairman?

**LEG. BINDER:**

Right, get through the agenda.

**P.O. CARACAPPA:**

Yes, I highly recommend that. Page 13. 1110. There's a motion.

**LEG. CRECCA:**

I thought that we did that already.

**LEG. BINDER:**

We did 1110.

**P.O. CARACAPPA:**

We did 1110?

**LEG. CARACCIOLO:**

Yeah, we did 1110.

**P.O. CARACAPPA:**

That was -- that failed.

### **PARKS AND CULTURAL AFFAIRS**

**1063 (To appoint Maria Loret Celitan as a member of the Suffolk County Citizens Advisory Board for the Arts).**

**D.P.O. CARPENTER:**

Second.

**LEG. ALDEN:**

Which one?

**D.P.O. CARPENTER:**

1063.

**P.O. CARACAPPA:**

It is a motion to approve.

**LEG. NOWICK:**

On the motion.

**LEG. FOLEY:**

What page are we on, Mr. Chairman?

**P.O. CARACAPPA:**

Page 13, Parks and Cultural Affairs.

**LEG. CARACCIOLO:**

Second.

**P.O. CARACAPPA:**

There's a second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna).

**P.O. CARACAPPA:**

1063 is approved. **1155, 1155A - Appropriating funds in connection with noise moderation and attenuation at the Trap and Skeet Range in Southaven County Park.**

**D.P.O. CARPENTER:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Carpenter, second by Legislator O'Leary. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**D.P.O. CARPENTER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. CARACCILO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yep.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Pass.

**LEG. MYSTAL:**

Yeah.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

Yes.

**P.O. CARACAPPA:**

Yep.

**LEG. BISHOP:**

Yes.

**MR. BARTON:**

17 on the bond. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution. **1172 (Authorizing use of Blydenburgh County Park Habitat for Humanity of Suffolk for their Annual Housewalk Fundraiser).**

**LEG. CARACCILO:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Caracciolo.

**LEG. CRECCA:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Crecca. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1205 (Authorizing use of Smith Point County Park property by Mastic Beach Fire Department, Inc. For Fourth of July fund drive).** Motion by Legislator O'Leary --

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

-- second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1206 (Authorizing use of Smith Point County park property in 2004 by William Floyd Community Summit for a 5K race).** Motion by Legislator O'Leary, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

I advocate everyone run in that race, it's a very good one. **1231 - Authorizing Cultural Affairs agreement funding for 2004.** Motion by Legislator Carpenter, seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1185, 1185A (Amending the 2004 Capital Program and Budget and appropriating**



**funds for the purchase of speed indicator signs for the Police Department).** Motion by Legislator Lindsay.

**LEG. LINDSAY:**

I've got to table that.

**LEG. CARACCIOLO:**

On the motion, just a brief explanation.

**P.O. CARACAPPA:**

There's a tabling motion by the sponsor.

**LEG. CARACCIOLO:**

Oh, okay.

**P.O. CARACAPPA:**

Is there a second on the tabling motion?

**LEG. FOLEY:**

Oh, tabling? No.

**P.O. CARACAPPA:**

Sponsor's asked for a tabling.

**LEG. FOLEY:**

All right. The sponsor's making the table? Second the motion.

**P.O. CARACAPPA:**

Second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1226 (Designating "Crossing Guard Appreciation Week").** Motion by Legislator Carpenter.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Foley.

**LEG. FOLEY:**

Cosponsor.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**LEG. FOLEY:**

Cosponsor, please.

**P.O. CARACAPPA:**

Public Works. Let me do these discharged ferry ones that are before us that we didn't do. 1024.

**LEG. CRECCA:**

I'm sorry, I lost track. Did we do 1226?

**P.O. CARACAPPA:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**P.O. CARACAPPA:**

It was approved.

**LEG. CRECCA:**

Okay. We're on 10 --

**P.O. CARACAPPA:**

There were two discharged earlier that should be acted on now. **1024** --

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

-- is before you.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

Motion by Legislator --

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

-- O'Leary, second by -- motion by Legislator Foley, second by Legislator O'Leary. All in favor?  
Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**LEG. BISHOP:**

What is that?

**LEG. CRECCA:**

Can I ask --

**LEG. ALDEN:**

Which one was that?

**P.O. CARACAPPA:**

That was 10 --

**LEG. FOLEY:**

That was 1024.

**LEG. BISHOP:**

What is it?

**P.O. CARACAPPA:**

**Approving water taxi ferry license for At The Port, Inc.**

**LEG. CRECCA:**

Oh, okay. All right. All right.

**LEG. FOLEY:**

Motion on -- motion to approve **1025**.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

Motion to approve 1025 by Legislator Foley, second by Legislator O'Leary. All in favor?  
Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**LEG. CARPENTER:**

Mr. Chairman?

**P.O. CARACAPPA:**

Legislator Carpenter.

**LEG. CARPENTER:**

There's also -- I'd like to waive the rules and it was -- the hearing was closed. Waive the rules and discharge 1009, which is the rates for the water taxi approval, water taxi license that we approved with the CN for Fire Island Water Taxi.

**P.O. CARACAPPA:**

Motion to discharge **1009, the rates for -- establishing the rate structure for Fire Island Water Taxi, LLC.** Is there a second? By Legislator Nowick. All in favor? Opposed? Abstentions?

There's now a motion by Legislator Carpenter to waive the rule, the one-hour rule and vote on 1009, second by Legislator Nowick. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17 (Not Present: Legislator Tonna).

**P.O. CARACAPPA:**

1009 is now before us. Motion to approve by Legislator Carpenter, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17 (Not Present: Legislator Tonna).

**P.O. CARACAPPA:**

It's approved. **1084.**

**D.P.O. CARPENTER:**

Thank you.

**P.O. CARACAPPA:**

**A Local Law implementing "Green Clean" Program in Suffolk County.** Motion by Legislator Carpenter, second by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions? 1084 is approved.

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**LEG. LOSQUADRO:**

Henry, cosponsor, please.

**P.O. CARACAPPA:**

**1150, 1150 (Appropriating funds in connection with intersection improvements on CR 19, Patchogue-Holbrook Road at Furrows Road, Town of Islip).**

**LEG. SCHNEIDERMAN:**

Cosponsor.

**LEG. CRECCA:**

Motion to table.

**LEG. COOPER:**

Cosponsor.

**P.O. CARACAPPA:**

Motion to table by Legislator Crecca, second by myself. All in favor?

**LEG. FOLEY:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Foley.

**LEG. FOLEY:**

This is 1150. 1150, is that the resolution?

**LEG. CRECCA:**

Yes.

**LEG. FOLEY:**

It's my understanding, Mr. Chairman, that this particular intersection improvement was requested both by the Legislator from the area, but also the Public Works Department because of some recent accidents that occurred at this intersection, and that there was some design issues that the Department was going to look into, and that the results of their investigation is this particular resolution to make intersection improvements.

**P.O. CARACAPPA:**

Thanks, Brian.

**LEG. FOLEY:**

Okay.

**P.O. CARACAPPA:**

There's a motion to table and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. It's tabled. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1151 (Appropriating funds in connection with the replacement of dredge support equipment).**

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

There's a motion by Legislator Foley. Is there a second?

**LEG. LINDSAY:**

Second.

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Lindsay.

**LEG. VILORIA-FISHER:**

Roll call.

**P.O. CARACAPPA:**

Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Abstain.

**LEG. O'LEARY:**

No.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. MONTANO:**

Yes.



**LEG. ALDEN:**

No.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

No.

**LEG. BISHOP:**

Which one are we on?

**MR. BARTON:**

1151.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. VILORIA-FISHER:**

Motion to --

**LEG. BINDER:**

No.

**LEG. VILORIA-FISHER:**

Motion to table.

**P.O. CARACAPPA:**

There's a motion to table by Legislator Viloría-Fisher, second by --

**LEG. LINDSAY:**

I'll second.

**P.O. CARACAPPA:**

Second by Legislator Lindsay. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. CARACCILO:**

Yes.

**LEG. SCHNEIDERMAN:**

My district, yes.

**LEG. O'LEARY:**

Pass.

**LEG. LOSQUADRO:**

No.

**LEG. FOLEY:**

Yes.

**LEG. MONTANO:**

Yes. Yes, to table.

**LEG. ALDEN:**

No, to table.

**LEG. CRECCA:**

No, to table.

**LEG. NOWICK:**

No.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

No.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

No.

**P.O. CARACAPPA:**

No.

**LEG. O'LEARY:**

No.

**MR. BARTON:**

Nine. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

Tabling fails. We're in the middle of a roll call for approval.

**(Roll Call Continued by Mr. Barton, Clerk)**

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

Abstain.

**P.O. CARACAPPA:**

No.

**MR. BARTON:**

Eight. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

It fails. **1152, 1152A (Appropriating funds in connection with the reconstruction of CR 48, Middle Road, from Horton Avenue to Main Street, Town of Southold).** Is there a motion? Fails for lack of a motion.

**1154, 1154A (Appropriating funds in connection with the rehabilitation of Smith Point Bridge).**

**LEG. FOLEY:**

Motion, Mr. Chairman.

**LEG. O'LEARY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator O'Leary, second by Legislator Foley. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. O'LEARY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. CARACCILO:**

Nope.

**LEG. SCHNEIDERMAN:**

Pass.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

No.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

No.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

Abstain.

**LEG. BISHOP:**

Change my vote to a yes, please.

**P.O. CARACAPPA:**

No.

**LEG. FOLEY:**

Motion to table.

**LEG. O'LEARY:**

Second.

**LEG. CARACCIOLO:**

Roll call.

**P.O. CARACAPPA:**

Motion to table by Legislator Foley, second by Legislator O'Leary.

**LEG. FOLEY:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. I would hope that we would table it so we can vote on it on another day. These -- the rehabilitation of this bridge, as you know, it's one of the oldest bridges that is

still used by the County. It has required a whole host of maintenance efforts over the years and there needs to be rehabilitation. If you notice, it says appropriating funds. All of us had approved last year placing these monies into the '04 Capital Program, and we're simply appropriating the funds that we all had agreed to a year ago. This bridge, as I said, given the age of it and the fact that tens of thousands of residents and Long Islanders and out-of-staters go use this bridge to get to the ocean and get to the campgrounds, rehabilitation needs to happen. So, I'd hope that -- well, since it's not going to be approved, that we would at least table it, so we can take it up at the next General Meeting.

**P.O. CARACAPPA:**

There's a motion to table and a second. All in favor? Opposed? Abstentions?

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

1154 is tabled.

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1170 (Calling a public hearing upon a proposal to form Suffolk County Sewer District No. 2 - Tallmadge Woods in the Town of Brookhaven).** Motion by Legislator Losquadro, second by Legislator O'Leary. All in favor? Opposed?

**LEG. BISHOP:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Bishop.

**LEG. CRECCA:**

We just tabled it.

**LEG. BISHOP:**

Why don't we be just as destructive as they are?

**MR. BARTON:**

16. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

It's a public hearing.

**LEG. ALDEN:**

Next meeting, Dave.

**LEG. BISHOP:**

Be as crazy as everybody else.

**P.O. CARACAPPA:**

**1171 (Amending the 2004 Capital Budget and Program and appropriating funds in connection with the restoration of Smith Point County Park).** A motion -- motion by Legislator O'Leary, second by Legislator --

**LEG. FOLEY:**

I'll make the second.

**P.O. CARACAPPA:**

-- Foley. Roll call.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. O'LEARY:**

Yes.

**LEG. FOLEY:**

Yes.



**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Pass.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

I'm voting with Alden, yes.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yep.

**LEG. SCHNEIDERMAN:**

Yes.

**MR. BARTON:**

17 on the bond. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution.

**1210 (Authorizing public hearing for authorization of approval to alter rates for North Ferry Co., Inc.)**

**D.P.O. CARPENTER:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Caracciolo, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1224 (To institute internet sale of surplus County property).** Motion by myself.

**LEG. LOSQUADRO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**LEG. ALDEN:**

Cosponsor.

**P.O. CARACAPPA:**

Thank you, Legislator Alden.

**[COSPONSOR SAID IN UNISON BY LEGISLATORS]**

**LEG. CRECCA:**

I want to cosponsor twice, once at the beginning and once at the end.

**P.O. CARACAPPA:**

**1235 - Authorizing public hearing for approval --**

**D.P.O. CARPENTER:**

Motion.

**P.O. CARACAPPA:**

**-- of ferry rates for Davis Park Ferry Company.**

**P.O. CARACAPPA:**

Motion by Legislator Foley, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

Ways and Means.

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**WAYS AND MEANS AND CONSUMER PROTECTION**

**P.O. CARACAPPA:**

**1005 (Amending living Wage Law to provide conformity).**

**LEG. LINDSAY:**

Motion to table.

**P.O. CARACAPPA:**

Motion to table by Legislator Lindsay, seconded by Legislator Crecca. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1098 - Designating "Bill of Rights Day" in Suffolk County.** Motion by Legislator Carpenter.

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

Seconded by Legislator Vioria-Fisher. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1106 (Appropriating funds in the 2004 Capital Budget and Program in connection with the backfile conversion and web-enablement of all land records (1969-1986)** was tabled. Oh, we have to table it.

**LEG. O'LEARY:**

Motion to table.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Motion by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1107 (Amending Section 636-1 of the Suffolk County Administrative Code authorizing and empowering the Clerk of the County of Suffolk to appropriate overpayments to the Office of the Suffolk County Clerk).** Motion by myself, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**1108 (Amending the 2004 Capital Program and Budget and appropriating funds the offsite access of public records)** needs to be tabled. Motion to table by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1109 (Amending the 2004 Capital Program and Budget and appropriating funds the replacement of outdated PC's).**

**LEG. FOLEY:**

Motion to table.

**LEG. MYSTAL:**

Roll call.

**P.O. CARACAPPA:**

1109, motion to table.

**LEG. CRECCA:**

Second.

**P.O. CARACAPPA:**

By Legislator Foley, second by Legislator Crecca. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

1109 is tabled. **1131 - Amending the 2004 Operating Budget and allocating fees collected from title examiners utilizing County facilities.** Motion by myself.

**LEG. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Carpenter. All in favor? Opposed? Abstentions?

**LEG. VILORIA-FISHER:**

Opposed.

**LEG. MONTANO:**

Opposed.

**P.O. CARACAPPA:**

Opposition, Legislator Viloría-Fisher and Legislator Montano.

**MR. BARTON:**

15. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1167 (To approve the lease of vehicles in the Suffolk County Department of Labor, in compliance with Local Law 20-2003).**

**LEG. CRECCA:**

Motion to table.

**P.O. CARACAPPA:**

Motion to table by Legislator Crecca, second by myself. All in favor? Opposed?

**LEG. CARACCIOLO:**

Mr. Chairman.

**LEG. ALDEN:**

Just a quick question on that one, too.

**P.O. CARACAPPA:**

Legislator Alden, on the motion.

**LEG. ALDEN:**

Why wasn't this done by Executive Order? Never mind, I'll withdraw the question.

**D.P.O. CARPENTER:**

That's good.

**LEG. FOLEY:**

Why are we tabling this, then?

**D.P.O. CARPENTER:**

Because he ran out of them.

**P.O. CARACAPPA:**

Legislator Crecca made the motion.

**LEG. CARACCIOLO:**

Mr. Chairman.

**LEG. FOLEY:**

Why are we tabling?

**P.O. CARACAPPA:**

I didn't make the motion.

**LEG. FOLEY:**

Why is there a motion to table?

**LEG. CRECCA:**

I'm just concerned. There's been concern raised about the leasing of vehicles by the County Executive and also about not purchasing vehicles, so I want further opportunity to take a look at this.

**LEG. FOLEY:**

You want to table it for one round to get some --

**LEG. CRECCA:**

What?

**LEG. FOLEY:**

You want to table it for one cycle?

**LEG. CRECCA:**

Yeah, yeah. Just I'm not -- I haven't -- we cut cars 5 million dollars, so I just have a little concern. I wanted to take a look at --

**P.O. CARACAPPA:**

Legislator Losquadro. I'm sorry.

**LEG. CRECCA:**

-- how necessary these leases are.

**LEG. LOSQUADRO:**

Also, as a bit of a car guy, I'd like to point out that Chevrolet does not make a Free Star, it's a Ford product, so I'm concerned about some other technical difficulties in this.



**LEG. FOLEY:**

Oh, boy.

**P.O. CARACAPPA:**

Thank you.

**LEG. CRECCA:**

Okay, car guy.

**LEG. ALDEN:**

The car guy.

**LEG. CRECCA:**

Yeah. You know what, yeah, what he said.

**LEG. CARACCIOLO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Okay.

**LEG. LOSQUADRO:**

It's a Ford product.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

I'd like to go back to the previous page, Resolution 1152, and make a motion to table.

**LEG. CRECCA:**

I didn't hear what you said.

**LEG. CARACCIOLO:**

1152, a motion to table.

**LEG. FOLEY:**

Second.

**LEG. VILORIA-FISHER:**

What page?

**LEG. CARACCILOLO:**

Fourteen.

**LEG. CRECCA:**

It failed already.

**LEG. CARACCILOLO:**

No. It failed because of no second, but I'm making a motion to table.

**LEG. MYSTAL:**

You have to make a motion to reconsider.

**P.O. CARACAPPA:**

You'd have to make a motion to reconsider first.

**LEG. CARACCILOLO:**

Motion to reconsider.

**P.O. CARACAPPA:**

Motion to reconsider by Legislator Caracciolo, second by Legislator Foley. All in favor?  
Opposed? Abstentions?

**MR. BARTON:**

17. (Not Present: Legislator Tonna)

**LEG. CARACCILOLO:**

Motion to table, Mr. Chairman.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Motion to table, Legislator Caracciolo, second by Legislator Foley. All in favor? Opposed?  
Abstentions?

**MR. BARTON:**

17. (Not Present: Legislator Tonna)

**LEG. CARACCIOLO:**

Thank you.

**P.O. CARACAPPA:**

1152 is tabled.

**LEG. O'LEARY:**

Mr. Chair?

**P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. SCHNEIDERMAN:**

Can I make a motion to reconsider 1151?

**LEG. CRECCA:**

Let's get through the agenda first.

**LEG. O'LEARY:**

I believe that has to come from the prevailing side.

**LEG. SCHNEIDERMAN:**

Okay.

**LEG. CRECCA:**

Let's get through the agenda first.

**P.O. CARACAPPA:**

Guys, come on. Were you on the prevailing side?

**LEG. O'LEARY:**

No, I was on the prevailing side, Mr. Chairman, and I'd like to make a motion to reconsider 1151.

**D.P.O. CARPENTER:**

Second.

**P.O. CARACAPPA:**

There's a motion to -- a motion to reconsider 1151 by Legislator O'Leary, second by Legislator Carpenter. All in favor? Opposed? Abstentions? 1151 is before us.

**LEG. O'LEARY:**

Motion to table.

**LEG. SCHNEIDERMAN:**

Motion to table.

**P.O. CARACAPPA:**

There's a motion by Legislator O'Leary, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

I'll continue my no vote.

**LEG. LINDSAY:**

You need to take a roll call, it's a bond.

**P.O. CARACAPPA:**

Oh, I'm sorry, it's a bond.

**LEG. VILORIA-FISHER:**

It's a tabling.

**LEG. O'LEARY:**

It's a tabling.

**LEG. BINDER:**

Mr. Clerk, I'm a no to table.

**MR. BARTON:**

No? Okay. 16 (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

Thank you. 1167 was tabled. **1169 (Authorizing the transfer of certain property to Suffolk County Department of Public Works).**

**LEG. CARACCILOLO:**

Motion to approve.

**LEG. CRECCA:**

Motion to table.

**LEG. FOLEY:**

Second.

**LEG. CARACCILOLO:**

Motion to approve.

**P.O. CARACAPPA:**

Motion to table 1169 by Legislator Crecca, second by Legislator Foley. All in favor? Opposed?

Abstentions? We're going to have one hell of an agenda next time.

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1173 (Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (West Islip Union Free School District), 72-h.**

**LEG. BISHOP:**

Explanation.

**D.P.O. CARPENTER:**

I'd just like to make that motion to approve. This is --

**LEG. CARACCIOLO:**

Second.

**D.P.O. CARPENTER:**

-- property adjacent to the school district, and they are going to make it available to community groups to use for sports.

**P.O. CARACAPPA:**

There's a motion and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1179 (Authorizing the lease of premises to the United States Department of Agriculture).**

**LEG. CARACCIOLO:**

Motion to approve.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Motion to approve by Legislator Caracciolo. New neighbors.

**LEG. CRECCA:**

On the motion. Is this in the Cornell Building?

**P.O. CARACAPPA:**

Yes, it is.

**LEG. CRECCA:**

Okay.

**LEG. CARACCIOLO:**

Yes. This is revenue. This is --

**LEG. CRECCA:**

No, I know. I just wanted to -- I didn't -- this is the one in the Cornell Building in Riverhead, your building, right?

**P.O. CARACAPPA:**

Yes.

**LEG. CARACCIOLO:**

Right, right.

**LEG. CRECCA:**

We call it the "Mike Caracciolo Building".

**P.O. CARACAPPA:**

Second by myself. All in favor? Opposed? Abstentions? 1179 is approved.

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1180 (Authorizing the extension of a lease of premises located at 3085 Veterans Memorial Highway, Ronkonkoma, NY for the Department of Social Services).** Motion by myself.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

**1181 (Establishing County policy on use of County Clerk's Office for title examination purposes).** Motion by myself.

**LEG. FOLEY:**

Motion to table.

**LEG. LINDSAY:**

Motion to table.

**P.O. CARACAPPA:**

Motion to table by Legislator Foley, second by Legislator Lindsay.

**LEG. CRECCA:**

Roll call.

**P.O. CARACAPPA:**

Roll call on the tabling.



**(Roll Called by Mr. Barton, Clerk)**

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Pass.

**LEG. O'LEARY:**

No, to table.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

No, to table.

**LEG. MONTANO:**

Yes, to table.

**LEG. ALDEN:**

No.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

No, to table.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

No.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

No.

**LEG. CARACCIOLO:**

Is this 81, Henry?

**LEG. FOLEY:**

Yes.

**LEG. CARACCIOLO:**

Change my vote to a no.

**P.O. CARACAPPA:**

No.

**LEG. SCHNEIDERMAN:**

No, to table.

**MR. BARTON:**

Seven. (Absent: Leg. Tonna)

**LEG. O'LEARY:**

Motion to approve.

**LEG. CRECCA:**

It's already there.

**D.P.O. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Motion to approve by Legislator O'Leary, seconded by Legislator Crecca. All in favor? Opposed?

**LEG. MONTANO:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Montano. 1181 is approved.

**MR. BARTON:**

16. **1213 - Rescinding authorization to transfer surplus computer equipment to Project LINCT).**

**LEG. CARACCILO:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Caracciolo.

**LEG. CRECCA:**

Second.

**P.O. CARACAPPA:**

Second -- seconded by Legislator Crecca. All in favor?

**LEG. MYSTAL:**

On that motion.

**P.O. CARACAPPA:**

On the motion, Legislator Mystal.

**LEG. MYSTAL:**

Somebody talk to me.

**LEG. ALDEN:**

Before the Ways and Means Committee?

**P.O. CARACAPPA:**

Counsel.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

This came before the Ways and Means Committee. Project LINCT doesn't want the computers that were put in, they won't accept them.

**LEG. CRECCA:**

They weren't good enough.

**LEG. ALDEN:**

They want the next generation or better.

**LEG. MYSTAL:**

Well, excuse me.

**LEG. CRECCA:**

Yeah, exactly.

**P.O. CARACAPPA:**

Motion and second.

**LEG. CRECCA:**

Who are we to argue?

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions.

**MR. BARTON:**

17. (Absent: Leg. Tonna)

**ENVIRONMENT, PLANNING AND AGRICULTURE**

**P.O. CARACAPPA:**

Environment, Planning and Agriculture. **1064 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Brick Kiln Creek Property) Town of Islip).**

**LEG. LINDSAY:**

Motion.

**LEG. CARACCIOLO:**

Second.

**P.O. CARACAPPA:**

Motion by Legislator Lindsay.

**LEG. CARACCCIOLO:**

Second.

**LEG. CRECCA:**

Motion to table.

**P.O. CARACAPPA:**

Motion to table by Legislator Crecca.

**LEG. O'LEARY:**

Second.

**LEG. CARACCIOLO:**

Roll call.

**P.O. CARACAPPA:**

Second by Legislator O'Leary. Roll call.

**LEG. CARACCIOLO:**

Allan needs help in a few minutes, guys.

**MR. BARTON:**

On the motion to table.

**(Roll Called by Mr. Barton, Clerk)**

**LEG. CRECCA:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. CARACCIOLO:**

No.

**LEG. SCHNEIDERMAN:**

Yes, to table.

**LEG. VILORIA-FISHER:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

No, to table.

**LEG. LINDSAY:**

No, to table.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

Yes, to table.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

No.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

No, to table.

**D.P.O. CARPENTER:**

To table?

**MR. BARTON:**

Yes, to table.

**D.P.O. CARPENTER:**

No.

**P.O. CARACAPPA:**

No. Oh, to table, yes.

**MR. BARTON:**

Eight. (Absent: Leg. Tonna)

**P.O. CARACAPPA:**

The tabling fails. Motion to approve by Legislator Lindsay.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17. (Absent: Leg. Tonna).

**LEG. CARACCIOLO:**

That's more like it.

**P.O. CARACAPPA:**

**1069 (Allocating additional funds for the acquisition of development rights to farmlands by the County of Suffolk, Detmer Farm, Town of Brookhaven (Pay-As-You-Go 1/4% Taxpayer Protection Program CP 8708.210).**

**LEG. VILORIA-FISHER:**

Motion.

**P.O. CARACAPPA:**

Motion by Viloría --

**LEG. FOLEY:**

Second.



**P.O. CARACAPPA:**

Legislator Vioria-Fisher, second by Legislator Foley.

**LEG. CARACCILO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Caracciolo, on the motion. Is this a 12 or 14-voter, Counsel?

**LEG. VILORIA-FISHER:**

Ten.

**D.P.O. CARPENTER:**

Counsel.

**MS. KNAPP:**

Wait.

**P.O. CARACAPPA:**

I don't believe it's a ten.

***[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]***

**P.O. CARACAPPA:**

***1069-04 - Allocating additional funds for the acquisition of development rights to farmlands by the County of Suffolk, Detmer Farm, Town of Brookhaven (Pay-as-you-go 1/4% Taxpayer Protection Program CP 8708.210) (Vioria-Fisher).***

**LEG. VILORIA-FISHER:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Vioria-Fisher, second by Legislator Foley.

**LEG. CARACCILO:**

Mr. Chairman?

**P.O. CARACAPPA:**

Legislator Caracciolo, on the motion. Is this a 12 or a 14 voter, Counsel?

**LEG. VILORIA-FISHER:**

Ten.

**LEG. CARPENTER:**

Counsel.

**P.O. CARACAPPA:**

I don't believe it's a ten.

**MS. KNAPP:**

We're not exceeding the appraised value on this one?

**LEG. CARACCILO:**

No.

**LEG. VILORIA-FISHER:**

No.

**P.O. CARACAPPA:**

Oh, it was a new appraisal and we're coming back for extra money.

**LEG. CRECCA:**

Oh, is that what it was?

**LEG. CARACCILO:**

Right, right.

**LEG. CARPENTER:**

Yeah, an additional 3.85 million.

**P.O. CARACAPPA:**

It's a 10 voter.

**LEG. CARACCIOLO:**

This is an acquisition that I have wrestled with with a lot of difficulty. Up till yesterday I wasn't inclined to support it, yesterday at the committee meeting I did support it; however, since yesterday's meeting I have learned the following. That up to about seven months ago there was a developer who was very close to going into contract on this property for three and a half million dollars; the purchase price now is in the area I think of \$6 million.

When I made further inquiry of this individual of what transpired subsequent to that, he says, "I suddenly found myself in a bidding war with the County and the price kept going up and when it exceeded \$4 million I couldn't compete anymore." Based on and that additional information, I am going to abstain and I just want to explain my vote.

**P.O. CARACAPPA:**

Okay, appreciated. Okay, there's a motion.

**LEG. CRECCA:**

Just what is the total price tag on this then?

**LEG. CARACCIOLO:**

Six million.

**LEG. CRECCA:**

Six million?

**LEG. CARACCIOLO:**

Six two.

**P.O. CARACAPPA:**

On the County's end?

**LEG. CARACCILO:**

Yeah.

**LEG. BINDER:**

On development.

**P.O. CARACAPPA:**

It's all County?

**LEG. ALDEN:**

On the motion.

**P.O. CARACAPPA:**

Just if I could -- there was a request to the Town of Brookhaven to participate in this acquisition, what happened with that?

**LEG. CARACCILO:**

No, this was County owned.

**P.O. CARACAPPA:**

I know there was a request recently.

**LEG. VILORIA-FISHER:**

Yes, I spoke with Supervisor LaValle who said that because they have \$20 million and they find that that's spread very thin, he refused to partner.

And with regard to the statement made by Legislator Caracciolo, we did review the appraisals very carefully in committee; the appraisals held up. I know that Legislator Schneiderman certainly did a lot of research with regards to property values and comps in the area and I won't presume to speak for you, Legislator Schneiderman, but you indicated to me that you were satisfied that the appraisals were very solid based on the research that you had done of comparable properties in the area.

That being said, I hope that you will look at the merits of this bill, every one of you who has been in this Legislature for any length of time has been more than familiar with Detmer Farm and the credibility of our Land Acquisition Program here is certainly at stake. There have been -- it has been a very visible piece, it has been I would say almost a landmark piece of farmland. It's right in the center of Setauket Town and it has been the hope of almost a whole generation that this parcel be saved.

**P.O. CARACAPPA:**

Thank you. Legislator Losquadro.

**LEG. LOSQUADRO:**

I, too, would just like to explain, as Legislator Caracciolo did, that I'm going to have to abstain on this at this time. I do -- I had concerns about the price initially when we first saw it in the first committee, then it was recommitted a second time, I still have concerns. I'm still hopeful we can move forward with it, but at this time I'm going to have to abstain.

**P.O. CARACAPPA:**

Thank you. Legislator Alden.

**LEG. ALDEN:**

I have a question on the history. What was the original allocation of funds of for this?

**LEG. FOLEY:**

Budget Review should have it; come on, Jim.

**MR. SPERO:**

I recall about two million but I'm not really certain.

**LEG. ALDEN:**

And that was from how many years ago?

**MR. SPERO:**

It goes back at least ten years, maybe more.

**LEG. ALDEN:**

Okay. And then what was the -- so we had an appraisal back then ten years ago and now we had an update on the appraisal and that appraisal came in at what?

**MR. SPERO:**

Six; that's what the current price is for development right acquisition.

**LEG. ALDEN:**

This is just development rights. So there's -- the fee is being bought on this, too, though, right, by somebody? Who's buying the fee?

**LEG. CARACCILO:**

Legislator Alden, would you suffer an interruption?

**LEG. ALDEN:**

A lot, because what I'm trying to do is cover for Crecca while he goes to the bathroom, too. But go ahead, Mike.

**LEG. CARACCILO:**

Just so everyone is aware that's not on that committee, this is a 30 acre parcel, it comes out to \$200,000 an acre; that's what the bottom line is.

**LEG. SCHNEIDERMAN:**

The fee is being purchased by the Peconic Land Trust.

**LEG. ALDEN:**

And how much is the Peconic Landfill paying for the fee?

**LEG. SCHNEIDERMAN:**

Not landfill, Land Trust.

**LEG. ALDEN:**

Oh, it's not a landfill that's buying it.

**LEG. SCHNEIDERMAN:**

Peconic Land Trust.

**LEG. ALDEN:**

Oh, it's a land trust; all right, that makes a big difference. But how much is the Land Trust paying for it?

**LEG. SCHNEIDERMAN:**

I think about \$400,000.

**LEG. MYSTAL:**

Legislator Alden, maybe I can help you. I have a book here on how to prepare for the Seder, so if you want to make time I can read you a couple of passages.

**LEG. ALDEN:**

As a matter of fact, I'm all set now.

**LEG. MYSTAL:**

You're done, okay. Just in time.

**LEG. ALDEN:**

Thank you very much.

**LEG. SCHNEIDERMAN:**

Legislator Fisher, do you know how much the Peconic Land Trust is paying for the fee?

**LEG. VILORIA-FISHER:**

I don't have the appraisals with me.

**LEG. SCHNEIDERMAN:**

I think it was about 400, 15,000 an acre.

**LEG. VILORIA-FISHER:**

For the agricultural --

**LEG. CARACCIOLO:**

Three hundred eighty-five thousand was the total.

**LEG. VILORIA-FISHER:**

About four hundred --

**P.O. CARACAPPA:**

One at a time, please.

**LEG. VILORIA-FISHER:**

I'm guessing at the numbers, I have to get the appraisal numbers.

**LEG. SCHNEIDERMAN:**

Legislator Alden, I believe it was around 15,000 an acre for the farmland rights.

**LEG. VILORIA-FISHER:**

For the agricultural rights. The fee simple, which is the cost as if you were buying a house, is \$6,660,000; the agricultural rights only are \$400,000.

**LEG. CARACCILO:**

The other appraisal was 385.

**P.O. CARACAPPA:**

Okay. Any further questions?

**LEG. ALDEN:**

No, Crecca is back from the bathroom.

**P.O. CARACAPPA:**

Okay. There's a motion and a second. Roll call.

**(\*Roll called by Mr. Barton - Clerk\*)**

**LEG. VILORIA-FISHER:**

Yes.



**LEG. FOLEY:**

Yes.

**LEG. CARACCILO:**

Abstain.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Abstain.

**LEG. LOSQUADRO:**

Abstain.

**LEG. LINDSAY:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Abstain.

**LEG. CRECCA:**

Abstain.

**LEG. NOWICK:**

No.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. SCHNEIDERMAN:**

Motion to table.

**LEG. FOLEY:**

Second.

**LEG. BINDER:**

No.

**LEG. SCHNEIDERMAN:**

I made a motion to table.

**P.O. CARACAPPA:**

There is a motion to table and a second. Roll call.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. FOLEY:**

I seconded the motion.

**MR. BARTON:**

Oh, you were the second, I'm sorry. Viloria-Fisher?

**LEG. VILORIA-FISHER:**

It was Jay Schneiderman who made the tabling motion.

**MR. BARTON:**

Okay.

**LEG. SCHNEIDERMAN:**

Right, we're doing a roll call on the tabling.

**LEG. VILORIA-FISHER:**

Oh, I thought you called the person who made the motion.

**MR. BARTON:**

I did.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. SCHNEIDERMAN:**

Yes to table.

**LEG. FOLEY:**

Reluctantly, yes.

**LEG. CARACCIOLO:**

Pass.

**LEG. O'LEARY:**

Abstain.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Abstain.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Abstain.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

Abstain.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

No.

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

Abstain.

**P.O. CARACAPPA:**

Abstain.

**LEG. CARACCILOLO:**

Yes.

**MR. BARTON:**

Nine (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

We were in the middle of a roll call.

***(\* Roll Call To Approve Continued by Mr. Barton - Clerk\*)***

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

Abstain.

**P.O. CARACAPPA:**

Abstain.

**MR. BARTON:**

Eight (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

/069 fails.

***1100-04 - Making a SEQRA determination in connection with the proposed Smith Point Park seawall extension, Town of Brookhaven (CP 7162) (Presiding Officer).*** Motion by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***1101-04 - Making a SEQRA determination in connection with the proposed Riverhead County Center pump station modifications, Town of Southampton (Presiding Officer).*** Same motion, same second, same vote.

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***1102-04 - Making a SEQRA determination in connection with the proposed Sewer District #3 - Southwest, Stream Street Sewer Extension, Town of Babylon (Presiding Officer).*** Same motion, same second, same vote.

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***1103-04 - Making a SEQRA determination in connection with the proposed planning and design for Tier II Homeless Shelter in Suffolk County (CP 6011) (Presiding Officer).*** Same motion, same second, same vote.

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***1149-04 - To appoint member of County Planning Commission (Linda G. Holmes) (Presiding Officer at the Request of the County Executive).***

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Foley. Is there a second?

**LEG. LINDSAY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Lindsay. All in favor?

**LEG. ALDEN:**

Roll call.

**P.O. CARACAPPA:**

Roll call.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. CARACCILO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

What are we on, 1149?

**P.O. CARACAPPA:**

Yes.

**LEG. O'LEARY:**

No.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

Yes

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. CARACCILO:**

Motion to table, Mr. Chairman.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Motion to table by Legislator Caracciolo, second by Legislator Foley. Roll call.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. CARACCILO:**

To table, yes.

**LEG. FOLEY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes to table.

**LEG. O'LEARY:**

No to table.

**LEG. VILORIA-FISHER:**

Yes.



**LEG. LOSQUADRO:**

No to table.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Pass.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

No.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes to table.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**LEG. ALDEN:**

Yes.

**MR. BARTON:**

13 (Absent: Legislator Tonna).

**LEG. CARACCILO:**

Thank you.

**P.O. CARACAPPA:**

It's tabled.

***1159-04 - Accepting and appropriating additional 45.6% Federal grant funds from the United States Environmental Protection Agency to the Department of Health Services, Division of Environmental Quality fore the National Estuary Program (Presiding Officer at the request of the County Executive).*** Motion by myself, second by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***1174-04 - Dedication of certain lands now owned by Deborah T. Rogers and Prudence G. Westin as Residuary Devisees of the Estate of Douglas Westin to the County of Suffolk (SCTM No. 0200-983.40-03.00-023.000) (Presiding Officer at the Request of the County Executive).*** Motion by Legislator Foley, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***1188-04 - Making a SEQRA determination in connection with the proposed planning phase for improvements to Armed Forces plaza, Hauppauge, Town of Islip (CP 1756) (Presiding Officer).*** Motion by myself, second by Legislator Crecca. All in favor? Opposed?

Abstentions?

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***1189-04 - Making a SEQRA determination in connection with the proposed planning and construction phase to refurbish District Attorney space, Cohalan Court Complex, Central Islip, Town of Islip (CP 1134) (Presiding Officer).*** Same motion, same second, same vote.

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***1190-04 - Making a SEQRA determination in connection with the proposed planning steps for noise and lead mitigation at the Trap and Skeet Shooting Facility, Southaven County Park, Yaphank, Town of Brookhaven (Presiding Officer).*** Same motion, same second, same vote.

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***1191-04 - Making a SEQRA determination in connection with the proposed planning phase for the construction and reconstruction of correctional facilities, Town of Southampton (CP 3035) (Presiding Officer).*** Same motion, same second, same vote.

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***1192-04 - Making a SEQRA determination in connection with the proposed planning and construction phase of improvements to the County Correctional Facilities, Town of Southampton (C-141-CP 3014)***

**(Presiding Officer).** Same motion, same second, same vote.

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***1209-04 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Elwood Greenlawn Woods Property) (Town of Huntington) (Binder).***

**LEG. BINDER:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Binder.

**LEG. CARACCIOLO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Caracciolo.

**LEG. BISHOP:**

Motion to table.

**P.O. CARACAPPA:**

Motion to table by Legislator Bishop. Is there a second?

**LEG. COOPER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Cooper.

**LEG. CARACCIOLO:**

Roll call.

**P.O. CARACAPPA:**

Roll call on the tabling.

**(\* Roll Called by Mr. Barton - Clerk\*)**

**LEG. BISHOP:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. CARACCIOLO:**

No.

**LEG. SCHNEIDERMAN:**

No.

**LEG. O'LEARY:**

Pass.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. FOLEY:**

Yes to table.

**LEG. LINDSAY:**

Yes to table.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No to table.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

No.

**LEG. MYSTAL:**

No.

**LEG. BINDER:**

No.

**LEG. CARPENTER:**

No.

**P.O. CARACAPPA:**

No to table.

**LEG. O'LEARY:**

No to table.

**MR. BARTON:**

Six (Absent: Legislator Tonna).

**LEG. CRECCA:**

Is there a motion to approve?

**P.O. CARACAPPA:**

There's a motion and a second to approve. We were in the middle of -- no, we never got to the roll call. Roll call. Binder Caracciolo.

**MR. BARTON:**

Thank you.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. BINDER:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA-FISHER:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

No.

**LEG. LINDSAY:**

No.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Abstain.

**LEG. MYSTAL:**

Hold on. Oh, yes, yes.

**LEG. COOPER:**

Yes, cosponsor.

**LEG. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yep.

**MR. BARTON:**

12 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

We knew you had the votes, Allen.

**LEG. MYSTAL:**

You can count.

**P.O. CARACAPPA:**

***1216-04 - To appoint member of County Planning Commission (Edwin Fischel Tuccio) (Presiding Officer at the Request of the County Executive).*** There's been a request from the County Executive to table this.

**LEG. CRECCA:**



Motion to approve for the purpose of discussion.

**P.O. CARACAPPA:**

Okay.

**LEG. CRECCA:**

Can I get a second?

**LEG. ALDEN:**

Second.

**LEG. FOLEY:**

Opposed.

**P.O. CARACAPPA:**

There's a motion to approve.

**LEG. FOLEY:**

Motion to table.

**P.O. CARACAPPA:**

There's a motion to table, that's what I was waiting for --

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

-- by Legislator Foley, second by Legislator Viloría-Fisher.

**LEG. CRECCA:**

On the motion to table.

**P.O. CARACAPPA:**

On the motion to table.

**LEG. CRECCA:**

And I'm not sure but my understanding is is that this person is ineligible to the appointment because they hold the position as an appraiser I believe.

**LEG. VILORIA-FISHER:**

That's probably why he requested it be tabled.

**LEG. CRECCA:**

I know, but if they don't -- that's why I'm asking, but why do we not --

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

There's a motion to table --

**LEG. VILORIA-FISHER:**

It's disturbing and it's not disturbing for people to vote against Detmer Farm because of political interests? Oh, so disturbing the hypocrisies --

**P.O. CARACAPPA:**

Legislator Viloria-Fisher, please.

**LEG. CRECCA:**

I'm sorry, Brian. I don't know, that's what I had heard, I don't know if that's --

**LEG. FOLEY:**

Yes, there's a motion to table by the sponsor --

**LEG. VILORIA-FISHER:**

She's so morally outraged.

**LEG. FOLEY:**

-- of the resolution in order to speak with the potential appointee about the very issue that you raised, to see whether or not, in fact, the person is on the list; if so, would the person be

agreeable to be taken off the appraisal list in order to be appointed to this position? So that's why the sponsor wants to table the resolution, to get that squared away.

**LEG. CARACCILO:**

Mr. Chairman?

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCILO:**

Okay, just a further point of clarification. Has it been implied here that he is a County -- he's on the County appraisal list?

**LEG. FOLEY:**

I would ask the Executive's Office, I think that that's what the implication is and it just needs to be vetted a little bit more closely prior to a vote.

**LEG. CARACCILO:**

Okay. Because during Q & A yesterday --

**LEG. FOLEY:**

I'm sorry?

**LEG. CARACCILO:**

During Q & A yesterday I did elicit from Mr. Tuccio that he is a certified appraiser.

**LEG. FOLEY:**

Okay.

**LEG. CARACCILO:**

However, there was no mention of him being on the County appraisal list.

**LEG. FOLEY:**

Well, that's what we want to double check and that's why we want to table it for one round.

**LEG. CARACCILO:**

All right, that's fine.

**P.O. CARACAPPA:**

There's a motion to table and a second. All in favor? Opposed?

**LEG. BINDER:**

Opposed.

**LEG. CRECCA:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Crecca, myself.

**LEG. LOSQUADRO:**

Opposed.

**LEG. ALDEN:**

Opposed.

**LEG. CRECCA:**

Roll call.

***(\* Roll Called by Mr. Barton - Clerk \*)***

**LEG. FOLEY:**

To table, yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Pass.

**LEG. SCHNEIDERMAN:**

I'm sorry; this is on 1216?

**MR. BARTON:**

1216 to table?

**LEG. SCHNEIDERMAN:**

1216 to table; yes to table.

**LEG. O'LEARY:**

Abstain.

**LEG. LOSQUADRO:**

No to table.

**LEG. LINDSAY:**

Yes to table.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

No.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

No.

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

No.

**P.O. CARACAPPA:**

No.

**MR. BARTON:**

Nine.

**P.O. CARACAPPA:**

It fails. Is there a motion to approve?

**LEG. FOLEY:**

1216? No.

**LEG. CRECCA:**

Well, I had one but I withdraw my motion to approve, it was for debate.

**P.O. CARACAPPA:**

***1227-04 - Appointing member of the Suffolk County Water Authority (Bernard Brady) (Crecca).***

**LEG. CRECCA:**

Motion to approve.

**P.O. CARACAPPA:**

Motion to approve by Legislator Crecca, second by Legislator Carpenter.

**LEG. CARACCIOLO:**

We did it.

**P.O. CARACAPPA:**

1227?

**LEG. CARACCIOLO:**

Yeah.

**LEG. CRECCA:**

No, we made a motion to take it out of order, it didn't get enough votes.

**LEG. SCHNEIDERMAN:**

What happened to 1216?

**LEG. VILORIA-FISHER:**

It failed.

**LEG. SCHNEIDERMAN:**

The tabling failed.

**LEG. O'LEARY:**

Tabling failed, yes.

**LEG. SCHNEIDERMAN:**

The tabling failed so now it's --

**LEG. VILORIA-FISHER:**

And it failed for lack of a motion.

**LEG. SCHNEIDERMAN:**

Oh, it failed for lack of a motion.

**P.O. CARACAPPA:**

1227, there's a motion and a second. All in favor?

**LEG. CARACCIOLO:**

Roll call.

**LEG. FOLEY:**

Motion to table.

**P.O. CARACAPPA:**

There's a motion to table by Legislator Foley.

**LEG. LINDSAY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Lindsay. Roll call.

**LEG. CRECCA:**

This is a roll call on the tabling, Mr. Presiding Officer?

**P.O. CARACAPPA:**

Yes.

***(\* Roll Called by Mr. Barton - Clerk \*)***

**LEG. FOLEY:**

Yes to table.

**LEG. LINDSAY:**

Yes.

**LEG. CARACCIOLO:**

Nope.



**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Nope.

**LEG. SCHNEIDERMAN:**

I'm sorry; no to table.

**LEG. O'LEARY:**

No to table.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

No to table.

**LEG. MONTANO:**

Yes to table.

**LEG. ALDEN:**

No to table.

**LEG. CRECCA:**

No to table.

**LEG. NOWICK:**

No.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

No.

**LEG. BINDER:**

Nope.

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

No.

**P.O. CARACAPPA:**

No.

**MR. BARTON:**

Five (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

Motion fails.

**LEG. CARACCIOLO:**

Mr. Chairman?

**P.O. CARACAPPA:**

There's a motion and a second to approve. On the motion.

**LEG. CARACCIOLO:**

Point of order. I have a copy of IR 1346 that is the same appointment for the same individual and I assume this is to be laid on the table today because somebody anticipates it's not going to pass tonight.

**P.O. CARACAPPA:**

What does that have to do with the vote before us now?

**LEG. CARACCIOLO:**

Well, I mean, we have a resolution that we haven't even voted on but yet the sponsor saw fit to file a new resolution as if he knew something the rest of us didn't know.

**LEG. VILORIA-FISHER:**

That's because the sponsor asked me if I would support him so that he could support Detmer and I said no, so he didn't support Detmer.

**P.O. CARACAPPA:**

There's a motion to approve and a second on 1227.

**LEG. CARACCIOLO:**

Roll call.

**P.O. CARACAPPA:**

Roll call.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. CARACCIOLO:**

Abstain.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA-FISHER:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

No.

**LEG. LINDSAY:**

Pass.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Abstain.

**LEG. MYSTAL:**

Pass.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

Abstain.

**P.O. CARACAPPA:**

Yes.

**LEG. LINDSAY:**

Abstain.

**LEG. MYSTAL:**

Abstain.

**MR. BARTON:**

Nine (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

It fails.

-

**Sense Resolutions**

***Sense 4-2004 - Sense of the Legislature Resolution expressing support for traffic calming devices (Lindsay).*** Motion by Legislator Lindsay, second by Legislator Foley. All in favor? Opposed?

**LEG. BINDER:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Binder.

**LEG. ALDEN:**

Opposed.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. CARACCILOLO:**

Same here.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. ALDEN:**

Roll call.

**MR. BARTON:**

14 (*\* \***SEE CHANGE IN VOTE BELOW**\* \**).

**P.O. CARACAPPA:**

Sense 4.

**LEG. CARACCIOLO:**

This is the traffic light business?

**P.O. CARACAPPA:**

Sense 4, page 18.

**LEG. CARACCIOLO:**

Mr. Chairman? Henry, on Sense 4, change my vote to a yes, I'm sorry.

**P.O. CARACAPPA:**

Okay.

**LEG. ALDEN:**

Me, too, Henry.

**LEG. CRECCA:**

Did I even vote?

**P.O. CARACAPPA:**

No. Who is opposed?

**LEG. BINDER:**

I am.

**MR. BARTON:**

16 (Opposed: Legislator Binder - Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***Sense 5-2004 - Memorializing Resolution requesting the State of New York to restore TAP aid to community colleges (Nowick).*** Motion by Legislator Nowick, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***Sense 6-2004 - Memorializing Resolution requesting the State of New York to restore FTE aid to community colleges (Nowick).*** Legislator Nowick, Legislator Foley.

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***Sense 7-2004 - Memorializing Resolution requesting the State of New York to implement Suffolk County Red Light Running Law (Lindsay).***

**LEG. LINDSAY:**

That's red light.

**P.O. CARACAPPA:**

Legislator Lindsay, myself. All in favor? Opposed?

**LEG. CARACCILOLO:**

Opposed.

**LEG. BINDER:**

Opposed.

**P.O. CARACAPPA:**

Legislator Caracciolo and Binder.

**MR. BARTON:**

15 (Opposed: Legislators Binder & Caracciolo - Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***Sense 8-2004 - Memorializing Resolution requesting the Federal Government continue the increased Federal Medical Assistance Percent (FMAP) funding.*** Legislator Crecca, second by myself.

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***Sense 10-2004 - Memorializing Resolution to oppose the closing of AT&T's Teleconference Center in Huntington (Lindsay).*** Motion by Legislator Lindsay, second by myself.

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**CHAIRMAN BINDER:**

No, no, I'm opposed.

**P.O. CARACAPPA:**

One in opposition, Legislator Binder; I apologize.

**MR. BARTON:**

16 (Opposed: Legislator Binder - Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***Sense 12-2004 - Memorializing Resolution in support of New York State legislation to protect high school athletes who suffer head injury (Caracappa).*** Motion by myself.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**



Second by Legislator Foley. Let the record reflect, I'd like to thank Assemblyman Sweeney for carrying this bill in the Assembly and having it passed.

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***Sense 13-2004 - Memorializing Resolution requesting the United States congress to support employees Free Choice Act (Foley & Lindsay).***

Motion by Legislator Foley, second by Legislator Lindsay.

**LEG. CARACCILOLO:**

Explanation.

**LEG. FOLEY:**

You have to ask me that at one in the morning? Okay.

**LEG. CRECCA:**

Yeah, can we get an explanation?

**LEG. FOLEY:**

Counsel? Thank you.

**LEG. CRECCA:**

Mike and I are concerned about free choice.

**MS. KNAPP:**

This is a Federal initiative, it basically would allow organizers greater protections, union organizers greater protections for first time unionizing efforts.

**LEG. CARACCILOLO:**

Okay; moving right along.

**P.O. CARACAPPA:**

That's important.

**MS. KNAPP:**

No, it has absolutely nothing to do with birth control.

**P.O. CARACAPPA:**

Very good. There's a motion and a second. All in favor? Opposed? Abstentions?

**LEG. BINDER:**

Opposed.

**MR. BARTON:**

16 (Opposed: Legislator Binder - Absent: Legislator Tonna).

**P.O. CARACAPPA:**

***Sense 14-2004 - Memorializing Resolution requesting the Long Island Power Authority (LIPA) provide \$25 million in energy initiative funding (Crecca).*** Motion by Legislator Crecca, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17 (Absent: Legislator Tonna).

**LEG. CRECCA:**

I'm sure LIPA is counting the 25 million now.

**P.O. CARACAPPA:**

***Sense 15 - Memorializing Resolution requesting the State of New York to enact amendments to the hotel/motel tax (Crecca).***

**LEG. SCHNEIDERMAN:**

Presiding Officer, I'm going to recuse myself from this vote pending a ruling. I'm going to submit this to the Ethics Commission to determine whether I can vote on this issue or similar issues because I have a minority interest in a hotel in the Montauk area and it is unclear --

**LEG. MYSTAL:**

Is it a motel or a hotel, or is it a hotel/no tell?

**LEG. SCHNEIDERMAN:**

Hotel.

**LEG. BISHOP:**

You probably can't vote on any tax issue, right?

**LEG. SCHNEIDERMAN:**

Maybe not; lucky me, right?

**P.O. CARACAPPA:**

Okay. There's a motion by Legislator Crecca, second by Legislator Carpenter. All in favor?  
Opposed?

**LEG. FOLEY:**

Opposed.

**LEG. MONTANO:**

Opposed.

**LEG. MYSTAL:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Foley, Legislator Montano --

**LEG. CARPENTER:**

On the motion.

**P.O. CARACAPPA:**

-- Legislator Mystal and Legislator Cooper.

**LEG. CARPENTER:**

Roll call. And on the motion, if I could?

**P.O. CARACAPPA:**

And Legislator Bishop and Legislator Viloría-Fisher.

**LEG. SCHNEIDERMAN:**

Roll call.

**P.O. CARACAPPA:**

It's very simple. Legislator Caracciolo, you're no on the hotel/motel tax?

**LEG. CARACCIOLO:**

I'm a no.

**P.O. CARACAPPA:**

Yeah, because you didn't say at first.

**LEG. CARACCIOLO:**

I'm sorry.

**P.O. CARACAPPA:**

You're welcome.

**LEG. CARACCIOLO:**

Thank you.

**P.O. CARACAPPA:**

Legislator Caracciolo, Legislator Viloría-Fisher, Legislator Foley, Legislator Montano, Legislator Bishop, Cooper and Mystal.

**LEG. CRECCA:**

On the motion. Oh, you're in the middle of a roll call, right?

**MR. BARTON:**

Nine (Opposed: Legislators Caracciolo, Viloría-Fisher, Foley, Montano, Bishop, Cooper & Mystal - Abstention: Legislator Schneiderman - Absent: Legislator Tonna).

**P.O. CARACAPPA:**

One abstention.

**MR. BARTON:**

Nine.

**P.O. CARACAPPA:**

It fails.

**LEG. CRECCA:**

Okay.

**P.O. CARACAPPA:**

***Sense 11-2004*** -- you may not see it but it's there, it's on my sheet written in; it was approved 5-0, I will read it -- ***Memorializing Resolution requesting U.S. Congress to restore funding to Army Corps of Engineers Projects along the south shore of Suffolk County.***  
Legislator Carpenter.

**LEG. FOLEY:**

I'll second that.

**P.O. CARACAPPA:**

There's a motion by Legislator Carpenter, second by Legislator Foley. All in favor? Opposed? Abstentions?

**LEG. FOLEY:**

Cosponsor.

**P.O. CARACAPPA:**

Sense 11 is approved.

**LEG. BISHOP:**

Mr. Chairman, before you adjourn, I have a --

**LEG. FOLEY:**

Mr. Chairman, we have a number of CN's.

**P.O. CARACAPPA:**

Well, there's still more work to do here.

**LEG. ALDEN:**

Motion.

**LEG. BISHOP:**

Well, it's on the Sense Resolutions.

**P.O. CARACAPPA:**

Okay, go ahead.

**LEG. BISHOP:**

I'd like to make a motion to waive the rules, lay on the table and approve Sense 20, it's in your packet.

**P.O. CARACAPPA:**

Just read the title.

**LEG. FOLEY:**

The title of the bill, please.

**LEG. BISHOP:**

***Memorializing Resolution in support of raising the minimum wage in New York State.***

**LEG. COOPER:**

Second the motion.

**LEG. BINDER:**

Mr. Chairman?

**P.O. CARACAPPA:**

On the motion, Legislator Binder.

**LEG. FOLEY:**

List me as a cosponsor; Henry, cosponsor.

**LEG. BINDER:**

It's a point of order. Under the new rules it would have to go to the Rules Committee.

**P.O. CARACAPPA:**

Oh, that's right.

**LEG. BISHOP:**

Under the new rules there is no ability of the majority to waive the provision that it goes to the Rules Committee?

**LEG. CRECCA:**

Yeah, there is, a discharge petition, but we're beyond the period to file a discharge petition.

**LEG. BISHOP:**

Got it. Thank you.

**LEG. CRECCA:**

I mean, unless I'm wrong, but it has to be done by a discharge petition because I had a Sense Resolution i wanted to do the same thing with tonight, so.

**P.O. CARACAPPA:**

Okay, the bill's laid on the table.

**LEG. ALDEN:**

Motion.

**LEG. CRECCA:**

Unless you can get Allan to hold a quick Rule Committee meeting.

**LEG. ALDEN:**

I have a motion.

**P.O. CARACAPPA:**

Motion by Legislator Alden.

**LEG. ALDEN:**

Motion to waive all the rules and lay on the table all these late starters.

**P.O. CARACAPPA:**

Wait, wait, wait, I'm going to do the CN's first.

***1344-04 - Establishing Sales Tax Policy for 2004-2005 to address budget shortfall.***

**LEG. CARACCILO:**

Explanation.

**P.O. CARACAPPA:**

This suspends the Haley Law, the Haley Rule.

**LEG. BINDER:**

Hold on, where are we?

**P.O. CARACAPPA:**

CN 1344, it's part of the budget package.

**LEG. LINDSAY:**

I'll make a motion.

**P.O. CARACAPPA:**

There's a motion by Legislator Lindsay.

**LEG. CARACCILO:**

Second.



**P.O. CARACAPPA:**

Seconded by Legislator Caracciolo. All in favor? Opposed?

**LEG. ALDEN:**

Opposed.

**LEG. BINDER:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Alden, Binder.

**LEG. CRECCA:**

Do a roll call, please. I'm calling for a roll call.

**P.O. CARACAPPA:**

Roll call.

***(\* Roll Called by Mr. Barton - Clerk \*)***

**LEG. LINDSAY:**

Yes.

**LEG. CARACCIOLO:**

Yes, cosponsor.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Pass.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Nope.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

No.

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yep.

**LEG. O'LEARY:**

Yes.

**MR. BARTON:**

15 (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

It's approved.

**LEG. VILORIA-FISHER:**

Mr. Chair, before we go to the next CN?

**P.O. CARACAPPA:**

No more CN's.

**LEG. FOLEY:**

1342, Mr. Chairman, don't we have to do 1342?

**P.O. CARACAPPA:**

Oh, yeah, I'm sorry.

**LEG. VILORIA-FISHER:**

Well, before we get to that, I had wanted to make a comment when we were looking at the Sense Resolutions. In the interest of transparency, I think it would be beneficial if the public could know which of our resolutions was assigned to the Rules Committee. There's no way --

**P.O. CARACAPPA:**

All of them. All of them.

**LEG. VILORIA-FISHER:**

All of the Sense but there are other pieces of legislation throughout the --

**P.O. CARACAPPA:**

I thought you said Sense Resolutions.

**LEG. VILORIA-FISHER:**

Well, the Sense Resolutions I know are all --

**P.O. CARACAPPA:**

Yes.

**LEG. VILORIA-FISHER:**

But the public doesn't know that, the public doesn't know that Charter Laws are assigned.

**P.O. CARACAPPA:**

Any Local Law, any Charter Law, Sense or --

**LEG. VILORIA-FISHER:**

But we can't expect the public to know our rules, and I think the agenda should list the assignments of committees. We have the assignments of Ways & Means & Consumer Protection, but it should also say and Rules Committee.

**P.O. CARACAPPA:**

But it doesn't get assigned to the Rules Committee initially, it's voted out of the primary --

**LEG. VILORIA-FISHER:**

But a member of the public should be able to know that. Members of the public should be able to know --

**P.O. CARACAPPA:**

We will work on some sort of mechanism to have it in the --

**LEG. VILORIA-FISHER:**

It could be put in parenthesis next to --

**P.O. CARACAPPA:**

On the agenda as we're voting?

**LEG. VILORIA-FISHER:**

Well, or on the -- when they're laid on the table; there should be some way to inform the public,

in the index.

**LEG. CRECCA:**

Yeah.

**P.O. CARACAPPA:**

Yes.

**LEG. CRECCA:**

Can I make a suggestion?

**P.O. CARACAPPA:**

Legislator Crecca.

**LEG. CRECCA:**

We'll just figure out a way to do that and --

**P.O. CARACAPPA:**

Legislator Crecca, go ahead.

**LEG. CRECCA:**

No, actually that's fine, I was just saying we'll work something. But I think Legislator Mystal had a motion.

**P.O. CARACAPPA:**

I will -- we'll try and work something out to make it clear in the index.

**LEG. FOLEY:**

Mr. Chairman, 1342, motion to approve.

**P.O. CARACAPPA:**

There's a motion to approve 1342 by Legislator Foley, this is the CN on the Clerk.

**LEG. FOLEY:**

On the Mortgage Tax reimbursement.

**P.O. CARACAPPA:**

Is there a second?

**LEG. MONTANO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Montano.

**LEG. FOLEY:**

Just quickly on the record. There doesn't appear to be enough votes -- well, this is to override the veto of the similar resolution, this will allow us to go request these monies so we don't lose out on this 1.6 million.

**P.O. CARACAPPA:**

There's a motion and a second. Roll call.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. FOLEY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CARACCIOLO:**

No.

**LEG. SCHNEIDERMAN:**

No.

**LEG. O'LEARY:**

No.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. LINDSAY:**

Yes.

**LEG. ALDEN:**

(Not present).

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

No.

**LEG. BISHOP:**

Yes..

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

No.

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

No.

**P.O. CARACAPPA:**

No.

**LEG. ALDEN:**

(Not present).

**MR. BARTON:**

Seven (Absent: Legislator Tonna).

**LEG. FOLEY:**

Late starters, Joe.

**P.O. CARACAPPA:**

We'll do them right now.

**LEG. VILORIA-FISHER:**

Mr. Clerk, if I could reiterate Mr. Alden's request to name all those people who voted down \$1.7 million.

**P.O. CARACAPPA:**

Legislator Viloria-Fisher. Legislator Viloria-Fisher, I would be more than happy to recognize you at any time.

**LEG. BISHOP:**

Is that it?

**LEG. BINDER:**

Motion.

**LEG. MYSTAL:**

Presiding Officer?

**LEG. FOLEY:**

We have late starters, Mr. Chairman.

**P.O. CARACAPPA:**



Legislator Mystal.

**LEG. MYSTAL:**

I would like to make a motion to reconsider motel/hotel tax just for the purpose of tabling it.

**P.O. CARACAPPA:**

There's a motion to reconsider Sense No. --

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

-- 7.

**LEG. CRECCA:**

15.

**P.O. CARACAPPA:**

Oh, 15.

**LEG. MYSTAL:**

To table it.

**LEG. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Carpenter. All in favor?

**LEG. CARACCILO:**

Roll call.

**P.O. CARACAPPA:**

Roll call.

**LEG. LINDSAY:**

Motion to table?

**P.O. CARACAPPA:**

This is to reconsider.

**LEG. LINDSAY:**

To reconsider first?

**P.O. CARACAPPA:**

Yes, to reconsider first.

**LEG. MYSTAL:**

Reconsider first, then to table.

**P.O. CARACAPPA:**

Roll call on the reconsidering.

**LEG. VILORIA-FISHER:**

Reconsidering what?

**P.O. CARACAPPA:**

Hotel/motel sense.

**LEG. MYSTAL:**

For the purpose of tabling it.

**(\*Roll Called by Mr. Barton - Clerk\*)**

**LEG. MYSTAL:**

Yes.

**LEG. CARPENTER:**

Yes to table -- I mean yes to reconsider.

**LEG. CARACCIOLO:**

No.

**LEG. SCHNEIDERMAN:**

I can't, I'm not voting on that.

**MR. BARTON:**

Right, you're abstaining.

***(\*Roll Call Continued by Mr. Barton - Clerk\*)***

**LEG. O'LEARY:**

Yes to reconsider.

**LEG. VILORIA-FISHER:**

No.

**LEG. LOSQUADRO:**

Yes to reconsider.

**LEG. FOLEY:**

Yes to reconsider.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes to reconsider.

**LEG. ALDEN:**

(Not Present).

**LEG. CRECCA:**

Yes to table.

**LEG. COOPER:**

No, reconsider.

**LEG. NOWICK:**

You know what? I'm sorry, what are we voting on?

**MR. BARTON:**

To reconsider it.

**LEG. COOPER:**

No, it's a motion to reconsider.

**LEG. CRECCA:**

Yes to reconsider.

**LEG. NOWICK:**

Does anybody know what we're doing here? Yes to reconsider.

**P.O. CARACAPPA:**

Motion to reconsider the hotel/motel sense.

**LEG. BINDER:**

So we can table it.

**P.O. CARACAPPA:**

There are still very important items to deal with here, Ladies and Gentlemen.

***(\*Roll Call Continued by Mr. Barton - Clerk\*)***

**MR. BARTON:**

Legislator Bishop?

**LEG. BISHOP:**

No.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

No.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

Eleven (Absent: Legislator Tonna).

**P.O. CARACAPPA:**

It's before us.

**LEG. MYSTAL:**

Motion to table.

**LEG. CARPENTER:**

Second.

**P.O. CARACAPPA:**

Motion to table by Legislator Mystal, second by Legislator Carpenter. All in favor? Opposed?

**LEG. CARACCILO:**

Opposed.

**LEG. MONTANO:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Caracciolo, Legislator Montano. Foley?

**LEG. FOLEY:**

No.

**P.O. CARACAPPA:**

Oh, no. Montano, Bishop, Cooper.

**LEG. VILORIA-FISHER:**

Opposed.

**P.O. CARACAPPA:**

Viloria-Fisher.

**MR. BARTON:**

12 (sic) (*\*ACTUAL VOTE 11/5/1/1 - Opposed: Legislators Caracciolo, Montano, Bishop, Cooper, Viloria-Fisher - Abstention: Legislator Schneiderman - Not Present: Legislator Tonna*).

**P.O. CARACAPPA:**

Okay, going back to the veto override; the veto override that we partially did earlier.

**LEG. BINDER:**

Mr. Chairman, motion to -- unless someone else had the motion already.

**P.O. CARACAPPA:**

It was ruled that -- we postponed it until later, until the end of the agenda; actually, we voted to do just that. There's a motion to override by Legislator Binder, seconded by Legislator Crecca. Roll call.

**LEG. BINDER:**

Mr. Chairman?

**P.O. CARACAPPA:**

Legislator Binder:

**LEG. BINDER:**

Just members should know that this is the last opportunity tonight to get the \$1.7 million.

**LEG. FOLEY:**

No it's not.

**P.O. CARACAPPA:**

Roll call.

***(\*Roll Called by Mr. Barton - Clerk\*)***

**LEG. BINDER:**

Sure, absolutely, get the \$1.7 million.

**LEG. CRECCA:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA-FISHER:**

On the override?

**MR. BARTON:**

Yes.

**LEG. VILORIA-FISHER:**

Of course not.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

No to override.

**LEG. LINDSAY:**

No.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

(Shook head yes).

**LEG. NOWICK:**

Show me the money, yes.

**LEG. BISHOP:**

(Not present).

**LEG. MYSTAL:**

No to override.

**LEG. COOPER:**

No.

**LEG. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yeah.

**MR. BARTON:**

Nine (Absent: Legislator Tonna). (**\*\*SEE CHANGE IN VOTE BELOW\*\***)

**P.O. CARACAPPA:**

The override fails.



I'm going to make a motion to waive the rules and lay on the table Resolutions 1337, assigned to Health & Human Services; 1338, assigned to EPA; 1339, assigned to Public Works and setting the public hearing for 4, April 20th at the General Meeting, that's 1339.

**LEG. FOLEY:**

1345?

**P.O. CARACAPPA:**

No, 1339. 1340, assigned to Ways & Means; 1345, assigned to Ways & Means and setting the public hearing for April 20th at the General Meeting; 1346, assigned to Environment.

**LEG. FOLEY:**

What about 1345, did you mention that?

**P.O. CARACAPPA:**

I believe I did; yes, sir. 1347, assigned to Economic Development.

Is there any other business to come before the Legislature today?

**LEG. CRECCA:**

Mr. Chairman?

**MR. BARTON:**

I have to correct a vote; ***there was ten on the override.***

**LEG. ALDEN:**

It doesn't matter.

**MR. BARTON:**

It still fails but it's ten.

**P.O. CARACAPPA:**

Legislator Crecca?

**LEG. CRECCA:**

No, that was it.

**P.O. CARACAPPA:**

Any other business? We're adjourned.

***[THE MEETING WAS ADJOURNED AT 1:26 A.M.]***

**{ } Indicates Spelled Phonetically**